

- Scenario II assumed the RPS was suspended indefinitely at 2014-2016 levels and that renewable energy credits prices gradually rose from 2014 levels to their historical maximum in 2026.
- Scenario III assumed the RPS mandates increased to 12.5 percent in 2026 and that renewable energy credits prices stayed constant at 2014 levels.
- Scenario IV assumed that the RPS mandates increased to 12.5 percent in 2026 and that renewable energy credits prices gradually increased from 2014 levels to their historical maximum in 2026.

If the report's findings, Lawson stated, "We merely illustrate the economic impact of the RPS mandate under both high- and low-cost scenarios informed by historical data from the Public Utilities Commission of Ohio. Whether compliance costs are high or low in the future, however, we predict that RPS ultimately will reduce GDP and employment growth."

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**Interested Party Testimony on House Bill 114
Before the Ohio Senate Energy and Natural Resources Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute for Public Policy Solutions
January 10, 2018**

Chairman Balderson, Vice Chair Jordan, Ranking Member O'Brien, and members of the Committee. My name is Greg R. Lawson, I am the research fellow at **The Buckeye Institute for Public Policy Solutions**, a free-market think tank here in Columbus that advocates for low-tax, low-regulation policies for Ohio.

In a report we issued last year,[1] The Buckeye Institute's **Economic Research Center** used a dynamic macroeconomic model to study the potential effects of Ohio's RPS program under four different scenarios. Using historical data, we calculated the percent increase in electricity prices caused by the cost of RPS compliance. Under the RPS, electricity providers purchase renewable energy credits-or RECs-which add expenses above and beyond the cost of buying and distributing wholesale electricity. Providers pass that additional cost on to consumers. Thus, RPS functions very much like a tax on electricity by increasing the product's price without providing the consumer with any additional benefit or value. Our economic model applied past and projected price increases caused by RPS to estimate the effect of this "tax" on state GDP and employment growth. The analysis revealed that RPS reduces Ohio's GDP and curbs job growth across the state.

For example, if the mandates resume to 12.5 percent and the price of renewable energy credits increases to historical highs, we expect employment to fall 2.9 percent and the state's GDP to decline by 2.8 percent. Such reductions will mean 134,000 fewer jobs in Ohio. Even if REC prices remain constant at historical lows as the mandates resume to 12.5 percent, Ohio will employ 34,200 fewer people and produce nearly \$4 billion less output by the final year of compliance.[2] Such ominous projections strongly support repealing the RPS mandate.

By using a simple methodology, our model's results do not rely on elaborate assumptions. We merely illustrate the economic impact of the RPS mandate under both high- and low-cost scenarios informed by historical data from the Public Utilities

Commission of Ohio. Whether compliance costs are high or low in the future, however, we predict that RPS ultimately will reduce GDP and employment growth. Our report estimates the RPS program's economic impact under four scenarios, which are all measured against a baseline estimate that assumes no RPS costs at all. These scenarios are explained more fully in the appendix attached to my remarks.

Our conclusion that RPS mandates raise electricity prices and reduce job growth-particularly in energy-intensive industries such as manufacturing-should not be controversial. In fact, Governor John Kasich summarized our view rather neatly when he rhetorically asked last year:

"[Do] [y]ou want to bring more jobs back...in things like manufacturing?" And then answered: "[Then] [y]ou better have the cheapest energy you can have in the world. Do you know how much these alternative energies cost? A lot more than our traditional energy sources." [3]

Advocates of the RPS mandates contend that the program's economic costs and losses are offset by increasing investments and job growth in the renewable energy sector. Our model accounts for such green job growth. By using Ohio's historical RPS, electricity, and employment data, our model picks up green job growth and changes to non-green sectors attributable to the mandate. We find that green job growth was more than offset by losses in other sectors.

This should not be surprising for several reasons. First, considering Ohio electricity providers can purchase RECs from out-of-state resources. Second, Ohio-based renewable energy companies can sell goods and services to other states and thus maintain employees in Ohio regardless of Ohio policy. Third, the RPS subsidy from REC purchases is relatively small compared to numerous federal tax credits and subsidies. And finally, there are simply far more other sector jobs than green jobs.

To be sure, some prior studies claim to have found economic benefits from RPS programs. Our model and analysis, however, better reflects the likely economic effects of the policy because it is strictly tailored to the renewable mandate and does not conflate RPS costs with reduced bills from energy-efficiency mandates. Moreover, our fully documented and transparent model is *dynamic*, and does not rely on a static input-output analysis.

Dynamic economic models are better suited than static input-output models for assessing the potential economic impacts of policies like RPS. Input-output models fail to account correctly for behavioral changes such as the effects that a price increase has on electricity demand and total output-especially in energy-intensive industries. In other words, static input-output models incorrectly assume that green jobs will be created without taking resources away from other, non-green sectors of the economy. In theory, however, the increase in electricity prices caused by the RPS should force job losses and reductions in hiring growth in other sectors that do not receive the benefits of the mandate-and our findings confirm that theory. Thus, unlike other studies, our analysis accounts for economic realities rather than assuming or wishing them away.

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One of those realities is that the RPS raises electricity prices for businesses, costing them money that they might have otherwise spent producing goods and creating jobs. Our model research demonstrates that RPS mandates will cost more future jobs and GDP than they will create through renewable energy subsidies. As such, we must face the cold economic

act that continuing Ohio's "march up Mandate Mountain" will cost thousands of future jobs and billions of dollars. To escape that end, Ohio must eliminate the RPS mandate and retreat from that fateful march.

Appendix

The Buckeye Institute's estimate the RPS program's future economic impact under four scenarios.

- Scenario I assumed the RPS remained suspended at 2014-2016 levels indefinitely and that renewable energy credits prices stayed constant at 2014 levels.
- Scenario II assumed the RPS was suspended indefinitely at 2014-2016 levels and that renewable energy credits prices gradually rose from 2014 levels to their historical maximum in 2026.
- Scenario III assumed the RPS mandates increased to 12.5 percent in 2026 and that renewable energy credits prices stayed constant at 2014 levels.
- Scenario IV assumed that the RPS mandates increased to 12.5 percent in 2026 and that renewable energy credits prices gradually increased from 2014 levels to their historical maximum in 2026.

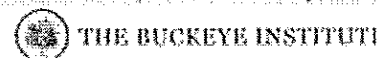
These four scenarios are measured against a baseline estimate without RPS costs. That baseline provides a counterfactual that predicts what the Ohio economy would have looked like without an RPS in place, and what the economy would likely become if the RPS were repealed entirely.

Table 1: Effects of RPS on the Ohio Economy

	Baseline Levels No RPS		Effect of RPS (Deviations from No RPS Baseline)							
			Scenario I		Scenario II		Scenario III		Scenario IV	
Year	GDP	Empl.	GDP	Empl.	GDP	Empl.	GDP	Empl.	GDP	Empl.
2011	440,925	4,403,600	-1,183	-12,200	-1,183	-12,200	-1,183	-12,200	-1,183	-12,200
2012	449,850	4,497,000	-820	-8,600	-820	-8,600	-820	-8,600	-820	-8,600
2013	453,837	4,573,000	-1,033	-10,900	-1,033	-10,900	-1,033	-10,900	-1,033	-10,900
2014	465,828	4,646,800	-680	-6,800	-680	-6,800	-680	-6,800	-680	-6,800
2015	473,206	4,646,800	-643	-6,700	-720	-7,200	-643	-6,700	-720	-7,200
2016	480,701	4,646,800	-653	-6,300	-810	-8,300	-653	-6,300	-810	-8,300
2017	488,315	4,646,800	-836	-8,400	-1,204	-11,900	-1,168	-11,900	-1,659	-16,500
2018	496,050	4,646,800	-836	-8,300	-1,335	-12,900	-1,510	-14,900	-2,360	-23,400
2019	503,907	4,646,800	-849	-8,300	-1,470	-14,000	-1,826	-17,600	-3,233	-31,100
2020	511,888	4,646,800	-812	-7,700	-1,623	-15,500	-2,138	-20,400	-4,225	-40,400
2021	519,996	4,646,800	-824	-7,700	-1,819	-17,200	-2,460	-22,800	-5,456	-50,800
2022	528,232	4,646,800	-785	-7,200	-2,020	-18,600	-2,791	-25,400	-6,859	-63,100
2023	536,599	4,646,800	-797	-7,200	-2,241	-20,300	-3,092	-28,000	-8,533	-77,300
2024	545,098	4,646,800	-795	-7,100	-2,469	-22,300	-3,374	-30,100	-10,466	-93,800
2025	553,732	4,646,800	-808	-6,800	-2,759	-24,400	-3,678	-32,100	-12,805	-112,400
2026	562,503	4,646,800	-806	-6,800	-3,099	-27,000	-3,991	-34,200	-15,485	-134,100

Source: The Buckeye Institute's Macroeconomic Model

Note: Total GDP of industrial sectors in millions of 2009\$; Employment in units of full-time equivalent jobs, rounded to the nearest hundred.



[1] Orphe Divounguy, Ph.D., Rea S. Hederman Jr., Joe Nichols, and Lukas Spitzwieser, *The Impact of Renewables Portfolio Standards on the Ohio Economy*, The Buckeye Institute, March 3, 2017.

[2] REC prices likely will rise for three reasons. First, demand for RECs will grow as (1) annual compliance targets increase in states with existing RPS laws, (2) many states (e.g., New York and California) seek to increase existing or implement new RPS targets, and (3) companies (e.g., Amazon and Facebook) seek to "offset" more of their fossil fuel- and nuclear-generated electricity with renewables. Second, the demand for RECs will likely outpace the supply of renewable energy, causing REC prices to rise. Building new renewable generation sources greatly depends on federal tax credits and subsidies-and the most significant of those are scheduled to sunset within the next three to seven years (i.e., 2020 for wind, and 2024 for solar). The Trump Administration appears unlikely to support new federal regulations or subsidies favoring renewable generation investments. Finally, by regulation, Ohio electricity providers may only purchase RECs produced by renewable energy generators located in Ohio or her

neighboring states. Ohio's REC supply is further constrained because her bordering states also rank well below-average in renewable energy potential and therefore are not strong candidates for future renewable energy investments.

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3] Emily Atkin, "Kasich Bashes Clean Energy and Climate Action At Ohio Town Hall," ThinkProgress, March 14, 2016.

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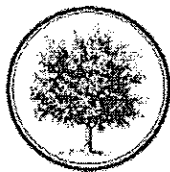
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Work requirements in Medicaid reform will work

The Hill

By Rea S. Hederman Jr.

January 12, 2018

When President Bill Clinton signed welfare reform into law, many critics warned of impending calamity for welfare recipients. Individuals on welfare would be unable to

comply with work requirements and would face dire poverty. These critics underestimated the ability of welfare recipients to find work and stay employed.

Today, the debate is over the amount of gains welfare recipients who returned to work made, not whether or not they fell into dire poverty. Many recipients, particularly women, made large strides in the work force and increased their family income by work. It appears, this debate is going to be repeated, this time over Medicaid work requirements.

President Trump's administration made clear that work requirements are now allowed in Medicaid waivers, and the Centers for Medicare and Medicaid Services just **issued guidelines** for the approval of work requirements. The administration has now strongly encouraged states to include these requirements in Medicaid waivers.

Much like welfare reform, this would be a welcome change that would move able bodied Medicaid recipients back into the workforce. The traditional Medicaid population such as the elderly, disabled, the blind, pregnant women, foster children, and many others would not be affected by work requirement waivers.

When the **Congressional Budget Office (CBO) analyzed the Affordable Care Act (ACA)**, it found that the ACA would reduce work, in large part because of Medicaid expansion. Single, childless, able-bodied adults were made eligible for Medicaid under the ACA, and CBO estimated that many of these individuals would work less since they no longer needed full-time jobs to maintain health insurance. Indeed, labor force participation in the U.S. has fallen and public policies like Medicaid expansion, which can deter work, have contributed to this.

Critics of work requirements in Medicaid will say that healthy Medicaid recipients will struggle to find work, and the requirements are unfair and burdensome. However, evidence shows that healthy Medicaid recipients do find work if they need to maintain health insurance. When Tennessee ended a Medicaid expansion program for healthy adults, academic **research** followed the Medicaid recipients. It found that many of them found work or increased the hours they worked in order to obtain health insurance.

Like the debate over welfare reform, Medicaid recipients have the ability to work and earn wages and they will have the added benefit of gaining experience in the workplace, learning new skills, and earning additional income. Without the work requirement, an individual's skills will degrade the longer they are out of work, and the harder it becomes to find a job.

States that expanded Medicaid are eager to be able to use waiver requirements to help their Medicaid programs. Ten states currently have a Medicaid waiver that incorporates some form of work requirements pending with the federal government.

Other states like Ohio are working to submit a new waiver with some type of work requirements. These work requirements do not impose a 40-hour work week and many requirements can be fulfilled through charitable work, job training, or other educational programs.

Work requirements in welfare reform were a successful recognition that work is valuable for individuals, families, and societies. Encouraging people not to work but to become dependent on government reduces economic mobility and can reduce a person's lifetime income. Encouraging healthy people to work more, which will likely result in higher future earnings, should not be controversial but rather common sense.

In short -- work requirements work.

Rea S. Hederman Jr. is executive director of the Economic Research Center at The Buckeye Institute and vice president of policy.

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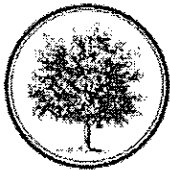
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Celebrating National School Choice Next Week!

By Greg R. Lawson
January 18, 2018

Hard to believe but 2018 is already here and it is time to once again celebrate Ohio's students! Next week will be the eighth **National School Choice Week**. It is the largest celebration of the many opportunities and choices that are now available for students, and their families, to find an education that works best for them -- not the education bureaucracy.

The Buckeye Institute has a long history with **school choice and education** in Ohio. In fact, Buckeye was one of the first groups that offered data to policymakers that showed how school choice in Ohio could help students escape from situations where they were not being served and allowed to flourish.

Of course, school choice means freedom for children to learn in the environment that best suits their needs. But as thousands of Ohioans and many more Americans celebrate what school choice means for them, it is important to realize just how far we have come in Ohio.

Ohio was, arguably, THE national leader in school choice. In 1990, Ohio created one of the first voucher programs in the nation. This first program led to the groundbreaking U.S. Supreme Court decision, *Zelman v. Simmons-Harris*. The 5-4 decision in that case found that such programs do not violate the First Amendment's Establishment Clause and from that point on, school choice has been able to expand across the nation.

Today, Ohio has **five programs** that service more than 40,000 students, including those with income challenges, those in failing school districts, and those with certain disabilities.

Legislation pending in the General Assembly will streamline and greatly expand the opportunities afforded by these programs. For example, Ohio is **one of only a few states** where its largest school choice program, the **EdChoice Scholarship**, is available only to those students who are assigned to failing schools. However, due to the **safe harbor** provision, many students are not eligible for EdChoice even if they are in a failing school.

Despite Ohio's early leadership on school choice, much work remains to empower families. One such area is embracing education savings accounts (ESA), which we called for in our report: *Education Savings Accounts: Expanding Education Options for Ohio*. ESAs will provide additional incentives to propel Ohio's educational system forward from a 20th Century model into one nimble enough to meet the demands of the 21st Century. By allowing parents to roll over money not spent on tuition, families will have greater flexibility for things like textbooks, tutors, enrolling students in online classes, or even saving money for college.

So far, Arizona, Florida, Mississippi, Nevada, North Carolina, and Tennessee have embraced ESAs. It is time for Ohio to do the same!

Clearly, 2018 can be an exciting year to improve school choice for Ohio students, and we invite you to join us and so many others, like **School Choice Ohio**, to celebrate what has been accomplished in strengthening and expanding school choice.

Greg R. Lawson is the research fellow at The Buckeye Institute.

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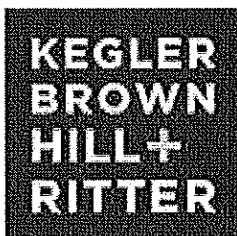
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Ohio Chamber
NFIB
Buckeye Institute
Neil Clark
OSA

Could you give me a couple dates to work with and I will contact the other organizations?

Regards,

Beverly



Beverly Staten
Government Affairs Specialist

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bstaten@keglerbrown.com

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From: Rep48
Sent: Thursday, January 18, 2018 2:19 PM
To: 'Staten, Beverly'
Subject: RE: Meeting Request

Categories: Scheduling

Beverly,

Thank you for emailing.

I will add your request to Representative Schuring's meeting request list.

Best,

Abby

Abby Schafer
Senior Legislative Aide
Office of State Representative Kirk Schuring
Speaker Pro Tempore
77 South High Street, 14th Floor
Columbus, OH 43215
614-752-2438

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Neil Clark
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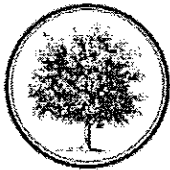
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January 19, 2018

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Buckeye's Rea Hederman: Ohio Rings In 2018 with Strong Economic Numbers

Columbus, OH -- Rea S. Hederman Jr., executive director of the Economic Research Center at **The Buckeye Institute** and vice president of policy, commented on newly released unemployment data from the **Ohio Department of Job and Family Services**.

"Ohio's labor market had a good year in 2017 and rang in the New Year with strong economic numbers. Every employment measure in 2017 ended in positive territory. Unemployment is down once again to 4.7 percent, down from 4.8 percent in November, and down from five percent at the end of 2016.

"The size of the Ohio labor market increased sharply with Ohioans accounting for more than one out of 10 new entrants into the national labor force. Although Ohio's unemployment rate did not fall as fast as the national average, almost 90,000 Ohioans entered the labor force, with the national labor force growing by 850,000, meaning that Ohio accounted for more than 10 percent of people entering the national work force."

The payroll survey indicates that Ohio created 43,200 private sector jobs in 2017. Over the last year, the leaders in job growth were leisure and hospitality (14,900), manufacturing (10,200), educational services (8,400), and financial activities such as finance and real estate (9,800). Retail trade (-17,000) saw significant job losses while the information service sector (-2,600) and business administrative, support and waste services (-3,200) also saw small declines.

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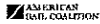
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CC: jclayton@americanbail.org
Subject: Buckeye Institute needs to go back to the drawing board on Bail Reform



Dear Representative Schuring,

As government stewards, elected officials, and stakeholders in the safety of the citizens of Ohio, I write to you today concerning the ongoing misinformation regarding bail reform.

You may have recently been given a copy of a report from the Buckeye Institute, entitled **"Money Bail" Making Ohio A More Dangerous Place to Live.** This report contains so many errors and incomplete information that, frankly, it should be discarded. Yet, we wanted to take an opportunity to counter some of the claims made in the report and set the bail reform debate into the proper context.

First, "money bail" is not making Ohio a more dangerous place to live. The bail system in Ohio is essentially the same one being run since statehood. The right to bail is enshrined in the Ohio constitution, and Judges have discretion to set the "type, amount, and conditions" of bail. This is also why 69% of judges in a recent National Judicial College Survey did not agree with the elimination of money bail from the system.

Second, what does the Buckeye Institute's new bail utopia cost? New Jersey's program, given as an example, will run out of money on July 1, 2018 unless the legislature completely overhauls the funding of that program. The costs to implement such a program were in excess of \$1 billion in California. Added to that, not only are there not savings, as both Administrative Judge Glenn Grant in New Jersey and the California Chief Justice concur, the costs of shifting away from monetary bail to risk assessments and supervision will largely not materialize and the cost the State and Counties millions of dollars.

Third, the litany of examples cited by the report as horrifying cases where someone was able to post bail begs the question as to what the Buckeye Institute would do with such cases. Yet, the Ohio Constitution already covers

this, giving the power to prosecutors to prove the danger or risk of flight and deny bail. The report suggests that somehow a risk assessment will fix the problem, yet the results of the assessment do not relieve a prosecutor of having to put up the proof necessary to achieve the result.

The report argues that several jurisdictions are seeing tremendous results due to bail reform, but this relies on the results generated by a private foundation that provides a free proprietary risk assessment tool and does its own evaluation of the results. It should come as no surprise that they think it works. **Instead, in sworn testimony, a national expert testified in federal court that the Lucas County, Ohio program has very high failure rates, including 47% of high risk cases. As a result of that testimony, the attorneys in the case concluded that Lucas County, Ohio had created a culture of "non-accountability" in its bail system.**

In San Francisco, the report issued there found that 27% of defendants did not show up under the risk assessment model. In New Jersey, the state has failed to release any numbers, and the report's citation to crime figures does not prove that bail reform has anything to do with that since New Jersey's prison population has declined every year for 15 years - and the population had been declining by double digits leading up to bail reform. Of course, New Jersey's algorithm is releasing prior felons in possession of firearms, counting them as low risk, similar to what is going on in New Mexico.

Risk assessments are indeed not a magic bullet, and there have been serious criticisms lodged against them which the Buckeye Institute report completely ignores. Researchers at New York University concluded: **"The use of such systems by public agencies raises serious due process concerns, and at a minimum they should be available for public auditing, testing, and review, and subject to accountability standards."** Former US Attorney General Eric Holder has also cautioned jurisdictions who using risk assessments saying they "may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society." Several additional recent studies and experts have called into question the race and gender neutrality of such algorithms, and the jury is certainly still out on that question. Indeed the utter lack of transparency of such algorithms is of serious concern.

The Buckeye Institute decides to then demean the bail industry for helping persons exercise their right to bail in Ohio and provide accountability to the Courts. The report cites no statistics on the effectiveness of surety bail in Ohio. That's not to say that adjustments cannot be made, but national data as well as data in Ohio back up the fact that private bail is effective and efficient because it is typically a third-party benefit provided to the State and a defendant at no cost to the State.

Sadly, the Buckeye Institute has sunk to the level of citing newspaper articles as some proof of the key points it makes. It does such surface-level analysis that clearly the conclusion informed the selection of the "research" that is cited. For example, the fact that 57% of persons in jail are awaiting trial tells us nothing? 4how many of those persons are on a non-monetary hold? Or, what is their prior criminal history, and what would the risk assessment say about them based thereon? How many are there because their attorneys are advising them to take a time-served deal?

The Buckeye Institute needs to go back to the drawing board with its assessment of bail reform. Moving away from "money bail" has not proven to deliver on its promises. While adjustments to the system can always be made, putting our blind faith in "black-box" algorithms to fix the problem is not only unproven, it is simply naïve.

Sincerely,

Jeff Clayton
Executive Director
American Bail Coalition
(877) 958-6628

From: The Buckeye Institute

Sent: Monday, January 22, 2018 7:02 AM

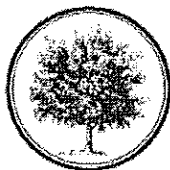
To: Rep48

Subject: ICYMI: Buckeye's Greg Lawson Argues for a Competitive Energy Market on Cleveland.com

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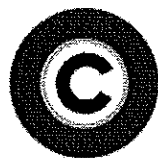
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cleveland.com

Ohio should be able to make its own decision

Cleveland.com

Letter to the Editor

January 19, 2018

A Jan. 16 letter to the Plain Dealer, "Ohio wants clean energy," endorses a recent poll showing that Ohio voters support renewable energy.

The letter suggests Ohio policymakers should therefore support a law requiring all Ohioans to buy electricity from wind and solar farms.

Protecting natural resources is laudable, and that's why The Buckeye Institute supports energy choice. All Ohioans can choose an electricity plan from competing providers that uses 100 percent renewable electricity.

This market system gives renewable energy companies an incentive to innovate, compete, and create sustainable jobs. Government mandates just give renewable energy companies an incentive to lobby government officials. Mandates in effect subsidize special interests at the expense of all Ohioans.

Ohio should open its doors to clean energy by encouraging choice and competition, rolling back restrictive regulations, and eliminating subsidies to any energy company.

A wind energy advocate recently stated, "It's clear Ohio conservatives are ready to allow farmers the opportunity to decide what's best for their business and their property." If farmers should be able to make their own decisions, the rest of Ohio should be too.

Greg R. Lawson
Research Fellow
The Buckeye Institute
Columbus

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

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The Buckeye Institute, 88 East Broad Street,
Suite 1120, Columbus, OH 43215

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Sent by info@buckeyeinstitute.org

From: Staten, Beverly
Sent: Monday, January 22, 2018 2:01 PM
To: Rep48
CC: Fiore, Anthonio
Subject: Meeting Request

Follow Up Flag: Follow up
Flag Status: Completed

Thank you Abby we look forward to hearing from you soon. I know that the parties listed would really like to speak with him about HB189.

Beverly

From: Rep48@ohiohouse.gov [mailto:Rep48@ohiohouse.gov]
Sent: Thursday, January 18, 2018 2:19 PM
To: Staten, Beverly <BStaten@keglerbrown.com>
Subject: RE: Meeting Request

Beverly,

Thank you for emailing.

I will add your request to Representative Schuring's meeting request list.

Best,

Abby

Abby Schafer
Senior Legislative Aide
Office of State Representative Kirk Schuring
Speaker Pro Tempore
77 South High Street, 14th Floor
Columbus, OH 43215
614-752-2438

From: Staten, Beverly [mailto:BStaten@keglerbrown.com]
Sent: Thursday, January 18, 2018 11:06 AM

To: Rep48 <Rep48@ohiohouse.gov>

Subject: Meeting Request

Good afternoon,

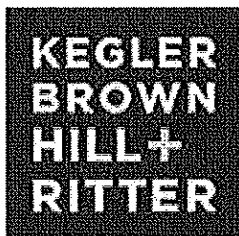
I left a message but thought I would follow up with an e-mail. Tony would like to schedule the meeting with Representative Schuring to discuss HB 189 with the following interested parties:

Ohio Chamber
NFIB
Buckeye Institute
Neil Clark
OSA

Could you give me a couple dates to work with and I will contact the other organizations?

Regards,

Beverly



Beverly Staten

Government Affairs Specialist

65 East State Street | Suite 1800 | Columbus, OH 43215

phone (614) 462-5400 ext. 264 | fax (614) 464-2634

bstaten@keglerbrown.com

www.keglerbrown.com

From: Rep48
Sent: Tuesday, January 23, 2018 2:51 PM
To: 'Staten, Beverly'
Subject: RE: Meeting Request

Beverly,

I spoke with Representative Schuring.

Representative Schuring is requesting that your meeting request be made through the Speaker's office with the Speaker attending.

Best,

Abby

Abby Schafer
Senior Legislative Aide
Office of State Representative Kirk Schuring
Speaker Pro Tempore
77 South High Street, 14th Floor
Columbus, OH 43215
614-752-2438

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Sent: Monday, January 22, 2018 2:01 PM
To: Rep48 <Rep48@ohiohouse.gov>
Cc: Fiore, Antonio <AFiore@keglerbrown.com>
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Subject: Meeting Request

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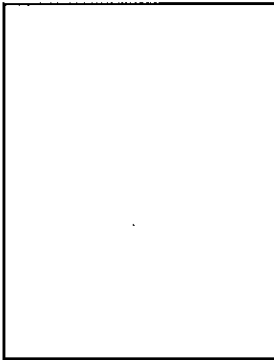
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bstaten@keglerbrown.com

www.keglerbrown.com

From: The Buckeye Institute

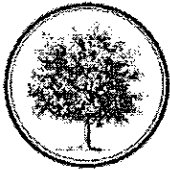
Sent: Tuesday, January 23, 2018 4:26 PM

To: Rep48

Subject: The Buckeye Institute Testifies on the Need to Reform Ohio's Failing Cash Bail System

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FOR IMMEDIATE RELEASE

January 23, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

**The Buckeye Institute Testifies on the Need to
Reform Ohio's Failing Cash Bail System**

Daniel Dew Testifies Before Ohio House Criminal Justice Committee

Columbus, OH -- The Buckeye Institute's Daniel J. Dew testified today (see full text below or [download a PDF](#)) before the Ohio House Criminal Justice Committee on Ohio's failing cash bail system, which the polices in House Bill 439 would reform.

Pulling from his report *"Money Bail": Making Ohio a More Dangerous Place to Live*, Dew outlined the failure of Ohio's system saying, "The traditional cash bail system allows accused murderers, child rapists, armed robbers, and dangerous gang members to be arrested and released into our communities to await trial. Meanwhile, otherwise law-abiding, harmless citizens sit in jail for days, weeks, or even months for drunken

jaywalking, violating dress-codes, or failing to pay traffic tickets. These absurd incongruities stem from a pretrial release system rooted in money rather than a careful, scientific assessment of the risks that the accused pose to our neighborhoods."

Acknowledging that pretrial detention is a necessary aspect of the criminal justice system, Dew noted that in *U.S. v. Salerno*, the United States Supreme Court ruled that pretrial detention must be a regulatory measure to ensure public safety, and if it is used to punish the accused, it is an unconstitutional violation of the right to due process of law.

Dew went on to highlight the success of verified risk-assessment tools, like the **Public Safety Assessment** developed by the **Laura and John Arnold Foundation**, that have been used to "forge remarkable results in pretrial detention."

Citing success in Lucas County, which has used the Arnold Foundation tools, Dew said, "Since switching to an evidence-based, risk-assessment system, Lucas County, Ohio has seen more defendants released before trial, more defendants appearing for trial, and less crime committed by those awaiting trial. Crime committed by those on release, dropped from 20 percent to 10 percent. Those skipping their court date dropped by 12 percent, even as the number of people released without money bail doubled."

Dew closed saying, "Pretrial decisions should be based on risk, not the size of the defendant's wallet. As experience has shown, money deposited with the court or with a bail agent does not make a person less dangerous. Policies like those found in House Bill 439 would make our system fairer and our communities safer."

###

**Interested Party Testimony on House Bill 439
Before the Ohio House Criminal Justice Committee**

**Daniel J. Dew, Legal Fellow
The Buckeye Institute for Public Policy Solutions
January 23, 2018**

Chairman Manning, Vice Chairman Rezabek, Ranking Member Celebrezze, and members of the Committee, thank you for the opportunity to speak about the important pretrial detention reform policies found in House Bill 439. My name is Daniel Dew and I am a legal fellow at **The Buckeye Institute**, a free-market think tank here in Columbus.

As I outlined in my report, *"Money Bail": Making Ohio a More Dangerous Place to Live*, The traditional cash bail system allows accused murderers, child rapists, armed robbers, and dangerous gang members to be arrested and released into our communities to await trial. Meanwhile, otherwise law-abiding, harmless citizens sit in jail for days, weeks, or even months before trial for drunken jaywalking, violating dress-codes, or failing to pay traffic tickets. These absurd incongruities stem from a pretrial release system rooted in money rather than a careful, scientific assessment of the risks that the accused pose to our neighborhoods.

Pretrial detention is an unfortunate, but necessary aspect of the criminal justice system.

During the time between arrest and trial, the defendant enjoys the presumption of innocence, having not yet been convicted of a crime. But those accused of crimes have some incentive to avoid standing trial and, if released, may flee the jurisdiction and never appear in court to face the proverbial music. Moreover, dangerous defendants may even commit more crimes while awaiting trial. Thus, the United States Supreme Court has recognized that the state's interest in the public's safety may allow the accused to be detained before and during trial.[1] The Court emphasized that such pretrial detention must be a regulatory measure to ensure public safety and the accused's appearance for trial.[2] If pretrial detainment is used to punish the accused, observed the Court, it is an unconstitutional violation of the right to due process of law.[3]

How pretrial detention decisions are made is left to the state. The goal of a pretrial system should be to release as many defendants as safely possible before trial, and for defendants to show up for court.

Actuarial risk-assessment tools, like the Public Safety Assessment developed by the **Laura and John Arnold Foundation**, have helped forge remarkable results in pretrial detention. Since switching to an evidence-based, risk-assessment system, Lucas County, Ohio, for example, has seen more defendants released before trial, more defendants appearing for trial, and less crime committed by those awaiting trial.[4] Crime committed by those on release, for instance, dropped from 20 percent to 10 percent.[5] Those skipping their court date dropped by 12 percent, even as the number of people released without money bail doubled.

The Lucas County results are no fluke. San Francisco, currently using a similar risk-assessment tool, has seen its crime rate by those awaiting trial slashed in half,[6] and New Jersey, after implementing statewide reforms this year, has witnessed an overall 17 percent drop in violent crime, and a 27 percent drop in murders.[7]

There will be opposition to these policies from the bail bond industry. Bail bonds support a \$2 billion per year industry.[8] When a defendant cannot afford set bail, a bond agent may deposit a surety bond with the court on the defendant's behalf. In most states, including Ohio, the law requires that bail companies charge the accused a non-refundable 10 percent of the bail.[9]

Typically, bail agents perform rather routine tasks to ensure that those free on bail appear in court at the required time. Agents, for example, often call or text their clients to remind them of court dates[10] and get the accused's family members involved to ensure compliance with the court's orders.[11]

Less frequently, bail agents will attempt to recover or apprehend fugitives who have skipped-out on the court's orders and fled. Regrettably, if predictably, fugitive recovery efforts performed by bail agents or bounty hunters instead of trained law enforcement officers do not always end well.

In April 2017, bounty hunters in Tennessee killed an innocent man while trying to return a fugitive.[12] Then in June, three people were killed during a 20-round shootout between a fugitive and Texas bounty hunters.[13] And in Cleveland, Ohio, two bounty hunters were shot while attempting a fugitive recovery.[14] Such tragic incidents are recent reminders that state law should not create incentives for civilians with 20 hours of classroom training to perform dangerous law enforcement functions that put them, the fugitive, and the public at risk.

In conclusion, pretrial decisions should be based on risk, not the size of the defendant's wallet. As experience has shown, money deposited with the court or with a bail agent does not make a person less dangerous. Policies like those found in House Bill 439 would make our system fairer and our communities safer.

Thank you for the opportunity to testify today.

[1] *U.S. v. Salerno*, 481 U.S. 739, 748, 1987.

[2] *Id.*

[3] *Id.*

[4] **New data: Pretrial Risk Assessment Tool Works to Reduce Crime, Increase Court Appearances**, Laura and John Arnold Foundation press release, August 8, 2016.

[5] *Id.*

[6] Marisa Lagos, **Bail or Jail? Tool Used by San Francisco Courts Shows Promising Results**, KQED News, September 27, 2017.

- [7] Michael Symons, **Christie on Dog the Bounty Hunter Bail Reform Lawsuit: Bring it on**, New Jersey 101.5, August 2, 2017.
- [8] Gillian B. White, **Who Really Makes Money Off of Bail Bonds**, *The Atlantic*, May 12, 2017.
- [9] Ohio Rev. Code Ann §3905.92(D).
- [10] See Mark Heffernan, **Texting Defendants Court Date Notifications: A great practice that makes a lot of sense - when it's done by private bail agents rather than inept, unaccountable government workers**, *BailBondsman.com*, October 5, 2016.
- [11] **Bail Reform**, *bailreform.us*, (Last visited October 3, 2017).
- [12] Matthew Haag, **On Trail of Suspect, Bounty Hunters Killed an Innocent Man**, *The New York Times*, May 3, 2017.
- [13] Christine Hauser, **Texas Bounty Hunter Shootout Kills 3, Raising Questions**, *The New York Times*, June 1, 2017.
- [14] Donna J. Miller, **2 Bounty Hunters Shot Trying to Arrest Cleveland Man**, *Cleveland.com*, May 22, 2017.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Wednesday, January 24, 2018 11:05 AM
To: Rep48
Subject: The Buckeye Institute Unveils Outdoor Ads Highlighting the Need for Worker Voting Rights

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FOR IMMEDIATE RELEASE

January 24, 2018

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The Buckeye Institute Unveils Outdoor Ads Highlighting the Need for Worker Voting Rights

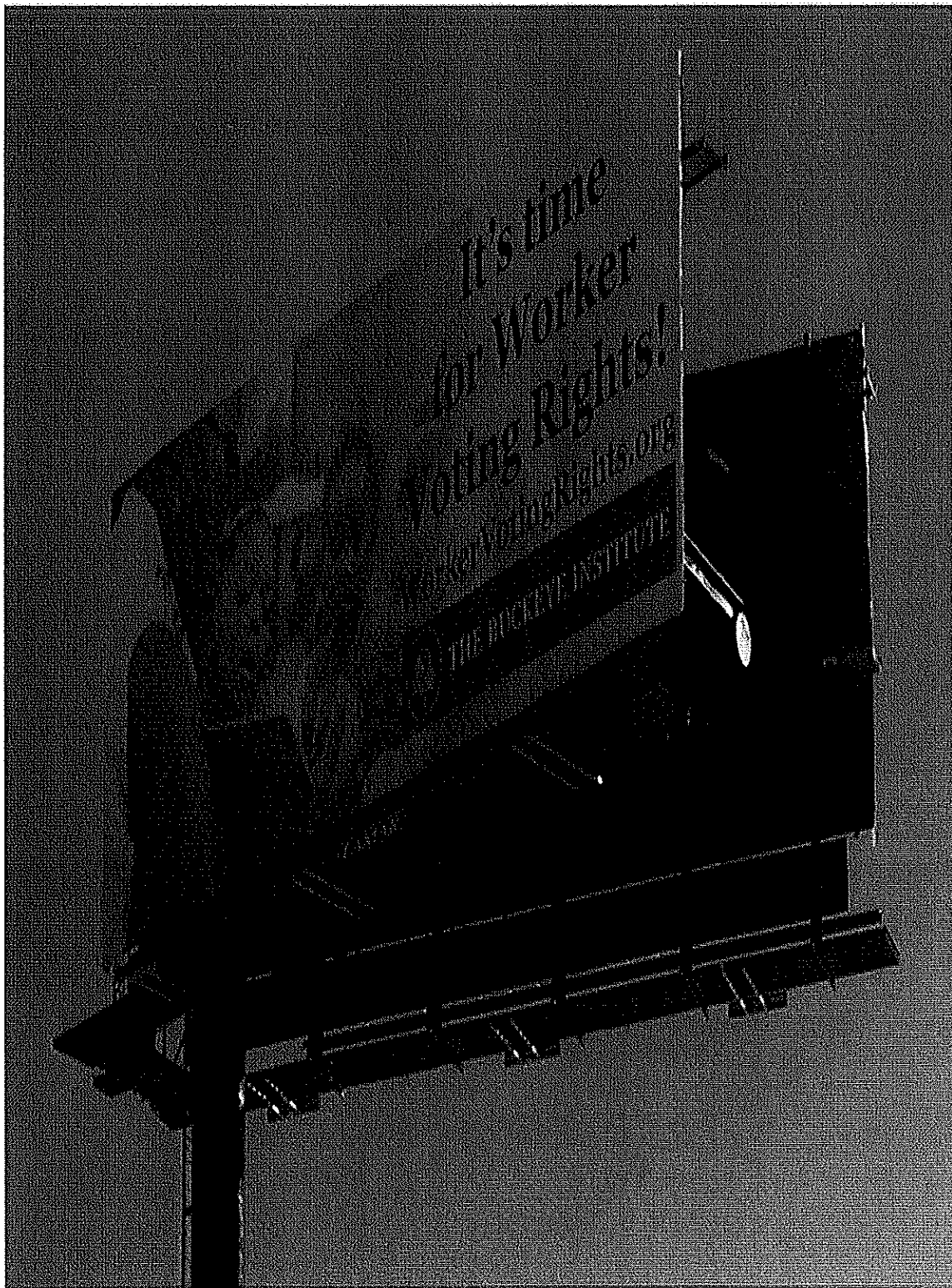
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Columbus, OH -- The Buckeye Institute recently unveiled outdoor advertisements to raise awareness of the need for **worker voting rights** for Ohio's public employees. Buckeye's worker voting rights campaign highlights the importance of giving public-sector employees a vote in choosing the union that represents them at the bargaining table, something **94 percent of union members** have never had the opportunity to do.

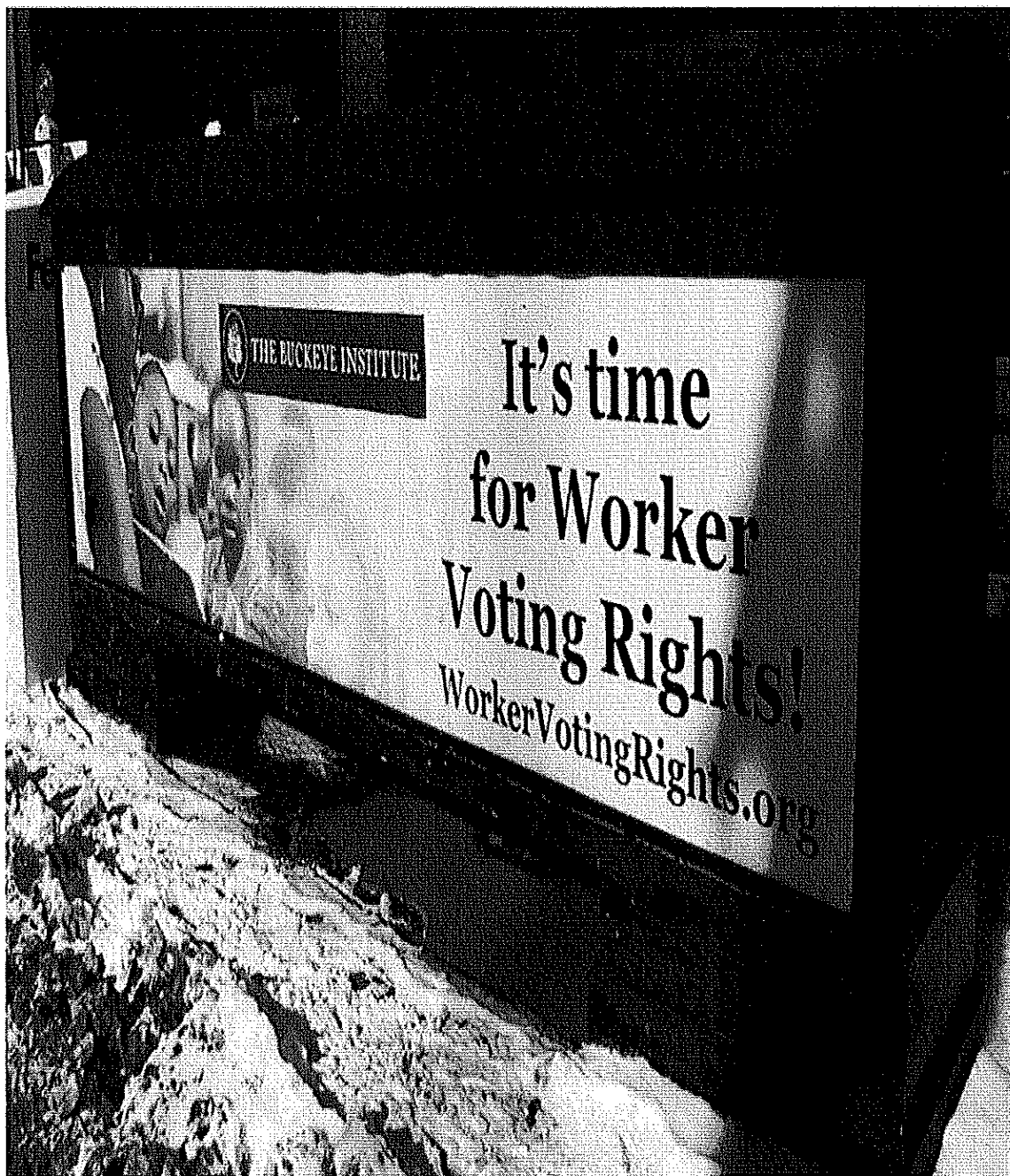
"Every morning, hardworking men and women go to work on our behalf-they teach our children, take care of the sick and elderly, repair our roads, and issue our drivers licenses.

While these people go to work for us, far too few of them have ever had the opportunity to vote for the unions to which they must pay dues or fees," said **Robert Alt**, president and chief executive officer of The Buckeye Institute. "Fortunately, there is a solution-worker voting rights. Giving public employees a regular vote in choosing the union that represents them will ensure unions are accountable to the workers they serve and will restore democracy and fairness to the system."

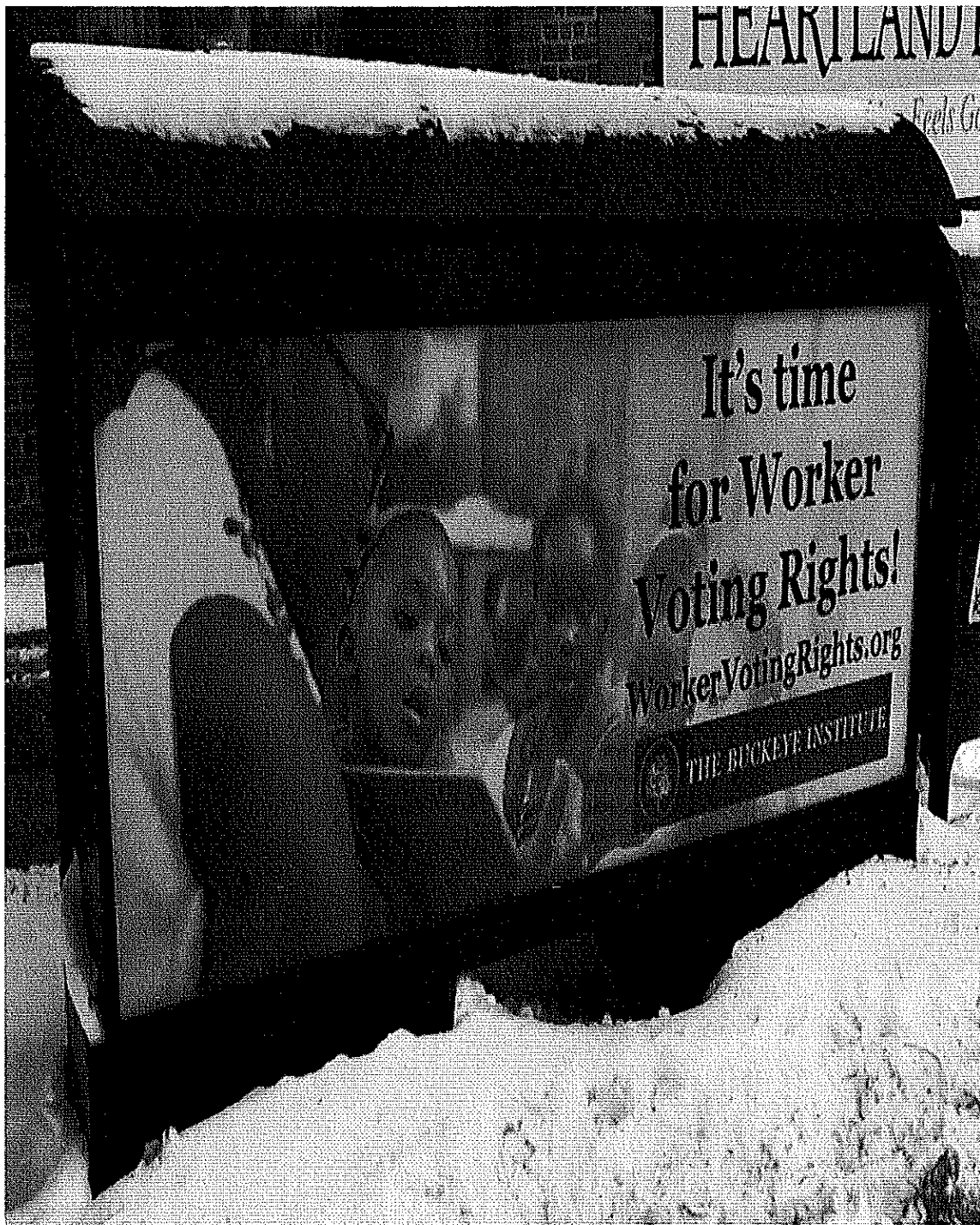
Buckeye's outdoor advertisements are located in Columbus, Ohio and include a billboard on State Route 315 South between the Ackerman Road and Lane Avenue exits, and two newspaper rack advertisements. One at the corner of Third and East Broad streets and another at the corner of High and State streets.



Billboard on State Route 315 South.



Newspaper rack sign at the corner of Third and East Broad streets.



Newspaper rack sign at the corner of State and High streets.

###

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The Buckeye Institute, 88 East Broad Street,
Suite 1120, Columbus, OH 43215

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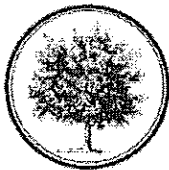
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Sent by info@buckeyeinstitute.org

From: The Buckeye Institute
Sent: Tuesday, January 30, 2018 1:03 PM
To: Rep48
Subject: Buckeye's Greg Lawson: Past Time to End Ohio's Byzantine Licensing Requirements

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Contact: Lisa Gates, Vice President of Comms

FOR IMMEDIATE RELEASE

January 30, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

Buckeye's Greg Lawson: Past Time to End Ohio's Byzantine Licensing Requirements

Columbus, OH -- Greg R. Lawson, research fellow at **The Buckeye Institute**, issued the following statement on the need for occupational licensing reform in Ohio. The statement was issued as the Ohio House Government Accountability and Oversight Committee heard testimony on House Bill 289.

"Every license requirement raises a red-tape hurdle for workers to clear before earning a living or starting a new career. Every hour of unpaid training needed to satisfy bureaucratic requirements is an hour not spent earning tips, serving a customer, or opening a business. Those are hours of lost productivity, hours of opportunity that young, low-income workers sorely need, but that the state continues to take for itself.

"This policy proposal starts an important conversation about how to rein in the red tape. Requiring policymakers to use the least restrictive regulation when it finds it necessary to displace competition is wise policy. And establishing a process that empowers legislative panels to weed through Ohio's overgrown thicket of licensing boards and uproot bureaucratic thistles will allow Ohioans to benefit from the fruits of their labor.

"Ohioans should not have to ask the state for permission to earn a living, and it is past time to end Ohio's byzantine licensing requirements."

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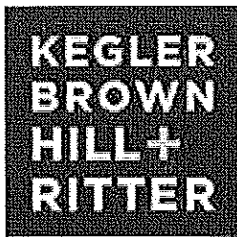
Sent by info@buckeyeinstitute.org

From: Staten, Beverly
Sent: Wednesday, January 31, 2018 12:59 PM
To: Hofer, Andrea
CC: Rep48
Subject: Meeting Request Cosmetology Reform

Good afternoon Andrea,

I was trying to schedule a meeting for Tony Fiore and other interested parties listed in the e-mail below to discuss Cosmetology Reform, HB189. Representative Schuring wanted the request to come from your office. Can you assist me?

Beverly



Beverly Staten
Government Affairs Specialist

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To: Staten, Beverly <BStaten@keglerbrown.com>
Subject: RE: Meeting Request

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Subject: Meeting Request

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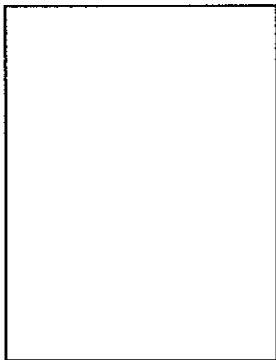
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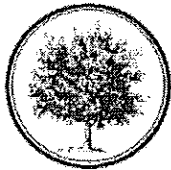
www.keglerbrown.com

From: The Buckeye Institute
Sent: Monday, February 5, 2018 7:01 AM
To: Rep48
Subject: As Capital Budget Season Begins, Buckeye's Newest Report Outlines Principles to Guide Government Spending

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FOR IMMEDIATE RELEASE
February 5, 2018

As Capital Budget Season Begins, Buckeye's Newest Report Outlines Principles to Guide Government Spending

Recommends Using Capital Budget on Physical and Democratic Infrastructure Needs

Columbus, OH -- As the Ohio General Assembly prepares to consider the 2018 capital budget, **The Buckeye Institute** released its most recent report, ***Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans***. The report outlines three principles policymakers should use in spending taxpayer dollars and recommends using the 2018 capital budget to strengthen Ohio's physical and democratic infrastructure.

"As the 2018 capital budget process begins, it is important for policymakers to be guided by three spending principles: constrain the growth of state government, eliminate corporate and special interest welfare, and focus spending on the core functions of state government," said **Greg R. Lawson**, research fellow at The Buckeye Institute and co-author of the report. "By following these principles, Ohio policymakers will ensure they are wisely spending taxpayer dollars and are putting the state on the road to growth and prosperity."

In its report, Buckeye outlines three principles that should guide government spending:

- **Constrain the Growth of State Government** -- Large governments inhibit economic growth and prosperity and Ohio should look for ways to decrease the size of government, rather than giving it more control.
- **Eliminate Corporate and Special Interest Welfare** -- The government should not use taxpayer dollars to subsidize companies or special interests. Crony capitalism does not drive economic growth, nor is it a responsible use of taxpayer dollars.
- **Focus Spending on the Core Functions of State Government** -- Non-essential spending needs to be curtailed. Government spending limits the ability of policymakers to embrace free-market reforms that will benefit the economic growth and prosperity of Ohio.

The report's authors go on to recommend that policymakers focus state resources on physical infrastructure needs -- roads, bridges, sewer lines, water pipes, water treatment facilities, schools, and other state government facilities -- and on the state's democratic infrastructure needs -- voting machines, systems to maintain voter rolls, and systems we use to count and protect votes.

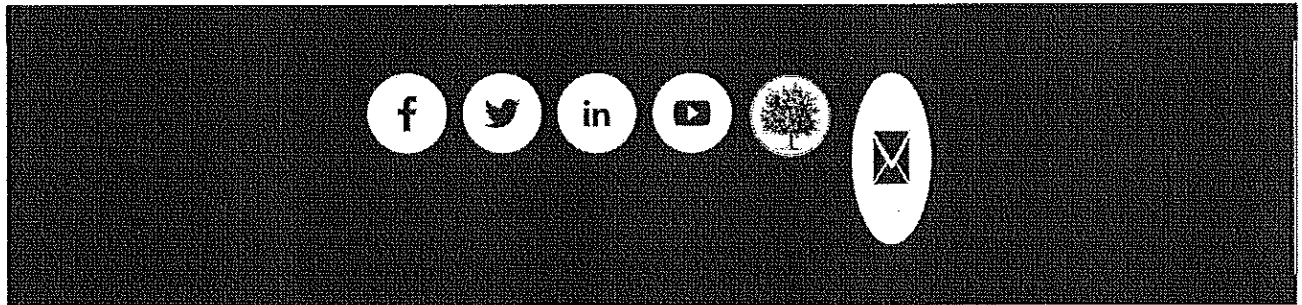
"While the specific ways in which we build and maintain Ohio's infrastructure are subject to debate, what isn't debatable is what taxpayer dollars should be spent on," said **Quinn Beeson**, an economic policy analyst at The Buckeye Institute's **Economic Research Center** and co-author of the report. "Ohio's policymakers should use the capital budget on physical and democratic infrastructure rather than feel-good projects that could, and should, be funded through private means."

Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans was co-authored by Greg R. Lawson, research fellow at The Buckeye Institute and Quinn Beeson, an economic policy analyst at The Buckeye Institute's Economic Research Center.

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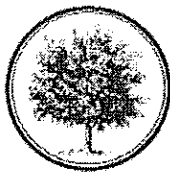
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In a piece for *The Columbus Dispatch*, Buckeye's Daniel J. Dew calls out suspect polling being used by the American Bail Coalition to claim that people oppose bail reform.

Reputable polling, conducted and released using professional industry standards, shows 85 percent of people favor replacing cash bail with supervised release.

The Columbus Dispatch

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Ohioans really support bail reform

The Columbus Dispatch
Letter to the Editor
February 4, 2018

In his Jan. 26 op-ed, Jeffrey J. Clayton, executive director of the American Bail Coalition, touted a poll that claims Ohioans reject bail reform. Unfortunately, the poll's sample size of 100 people more closely resembled a "Family Feud" survey than a scientific study. At a minimum, the coalition should release the questions asked, the margin of error and whether the poll meets standards recommended by the American Association for Public Opinion Research.

Just last month, a national poll using industry standards found that 85 percent of people favored replacing cash bail with supervised release, especially in cases where the defendant does not pose a threat to society.

The outcomes from jurisdictions that have moved away from money bail and are using verified risk-assessment tools speak for themselves. In those jurisdictions, less crime is being committed by those awaiting trial, more defendants are showing up for court and defendants who enjoy the presumption of innocence can keep their jobs and support their families.

Whether the goal is public safety, fairness for the poor or saving taxpayer money, "the survey says" ... reform bail.

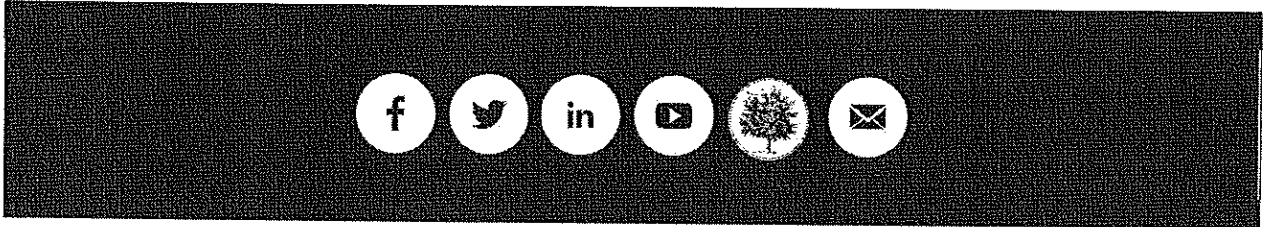
Daniel J. Dew
Legal fellow
The Buckeye Institute's Legal Center
Columbus

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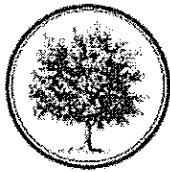
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February 8, 2018

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The Buckeye Institute Calls for the Protection of Taxpayers and Free Speech

Columbus, OH -- The Buckeye Institute has joined a coalition of more than 100 organizations calling on Congress to protect taxpayers and their First Amendment rights to confidentially give to charitable organizations without the fear of intimidation (**Read the letter here**).

"Sadly, Americans have been intimidated, harassed, and even threatened for their political and religious beliefs, which should never happen in this country," said **Robert Alt**, president and chief executive officer of The Buckeye Institute. "Americans have a First Amendment right to join, support, and speak collectively through organizations without

being put on a government list that is vulnerable to hackers and leaking to extremists who refuse to tolerate opposing views."

The coalition **sent a letter to Congress** calling for the elimination of the 990 Schedule B form requirement for 501(c) organizations, which is a mandatory IRS form that lists names and addresses of donors who give to private charities and other 501(c) organizations. Although the IRS is legally prohibited from using the information collected, the retention of this information, as the letter highlights, has resulted in intimidation and harassment of donors.

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By now you've seen our **outdoor ads** and read about our **Worker Voting Rights** campaign to empower public employees with the voting rights they deserve.

Yesterday, Robert Alt, our president and CEO, had a **piece published in *The Hill*** arguing that it is time to give public employees the right to vote on the union that represents them at the bargaining table. Robert writes,

"But without a vote through which members can choose their own union, today's public-sector employees are rendered mute and unable to have a meaningful opportunity to select a new union or hold their current union accountable if it fails to meet expectations or protect its workers' interests."

It is hard to be opposed to giving people the right to vote, but unfortunately entrenched interests insist that our hard-working civil servants "simply wear the hand-me-down unions that their foremothers and fathers passed down from the Johnson and Carter years."

As Robert writes, "It is time for unions to embrace their democratic heritage and support their own members' right to vote. It is time for all of us to join together to create more perfect unions. It is time for public employees to have a voice and a choice. It is time for worker voting rights."

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THE HILL

Hand-me-down unions don't work for current workers

The Hill

By Robert Alt

February 8, 2018

This opinion piece appeared in The Hill, you can read the full piece [here](#).

The recent issue over a potential federal government shutdown reminded us that Americans rely on our public employees to provide and maintain important services across the country.

Federal, state, local or public-sector employees are too often represented by hand-me-down labor unions that current workers inherited from government employees of a bygone era.

Historically, labor unions have played a significant role in fighting for both workers' rights and fair representation at the bargaining table.

Labor unions laid the foundation for the democratic rights of marginalized minorities when black workers formed the Colored National Labor Union in 1869, 14 months before blacks secured the right to vote.

Thirty-five years later, the American Women's Trade Union launched a successful campaign for women's suffrage. Those bottom-up victories stand in stark contrast to

today's top-down operation of unions that are now denying their own members the right to vote.

Unfortunately, union leaders who once fought so hard for democratic rights and representation have refused to recognize voting rights for their own members.

Rather than allow today's union members to have a real voice and a choice, entrenched labor leaders insist that these public-sector employees simply wear the hand-me-down unions that their foremothers and fathers passed down from the Johnson and Carter years.

In fact, **94 percent of current union members have never had the opportunity to vote** for which union will negotiate their pay, benefits, hours, and working conditions on their behalf.

Continue reading...

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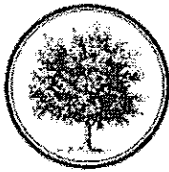
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February 14, 2018

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New Buckeye Institute Policy Brief Highlights the Problems with Government-Owned Broadband Networks

Columbus, OH -- In The Buckeye Institute's most recent policy brief, *Broadband "GON" Wrong: Remembering Why Government-Owned Broadband Networks Are Bad for Taxpayers*, Greg R. Lawson looks at the problems with government-owned and run networks and their high cost to taxpayers.

"Government-owned networks have been springing up across the nation for years and Ohio is no stranger to these government-owned and controlled projects that unfairly compete with the private sector," said **Greg R. Lawson**, research fellow at The Buckeye Institute. "While these GONs might seem alluring, they frequently fail to live up to the promises

made by government officials, and have often led to taxpayer subsidization to maintain operations."

In the paper, Lawson looks at two Ohio case studies, the City of Lebanon and Medina County. The network in Lebanon was plagued with problems almost from the start, as was outlined in a **Buckeye report** in 2006, and was eventually sold to Cincinnati Bell at a loss. Unfortunately, Medina County did not heed the warning signs that Lebanon's experience offered, and according to the Medina County Port Authority's chief operating officer, a mere 140 customers are connected to the network and the county commissioners have already had to subsidize the network twice to the tune of \$1.6 million.

Lawson also outlines a number of problems with government-owned networks, most notably the high cost to taxpayers and the poor service provided, which were highlighted in a **University of Pennsylvania Law School report**. The study found that in the 20 GONs it reviewed, 11 generated a negative cash flow, and of the nine cash-flow positive projects, five of them would take more than 100 years to recover their costs while two would take more than 60 years.

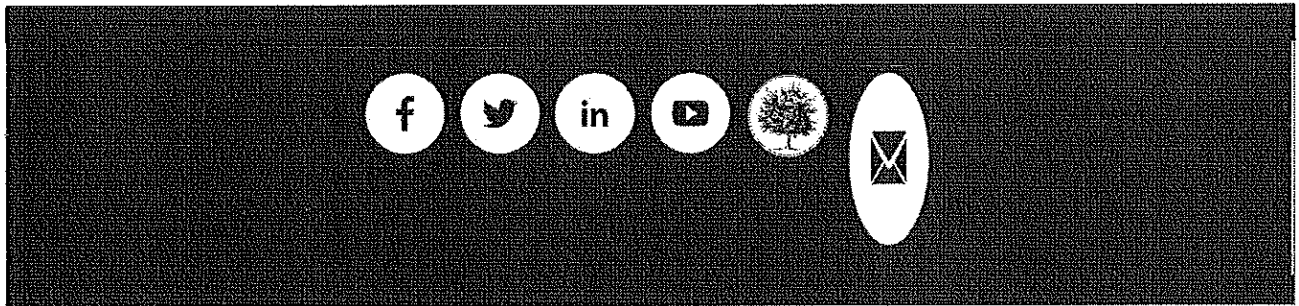
"Ohio's state and local policymakers should take a long hard look at broadband "GON" wrong in the City of Lebanon and Medina County before venturing into new government-owned networks," Lawson stated in the paper. "Local governments should focus their money and attention on providing their citizens with safe roads and drinking water, and let the private sector worry about adding new internet users."

Broadband "GON" Wrong: Remembering Why Government-Owned Broadband Networks Are Bad for Taxpayers was authored by Greg R. Lawson, research fellow at The Buckeye Institute.

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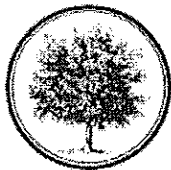
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THE BUCKEYE INSTITUTE

New Reason Foundation Study Offers Another Reason to Keep Capital Budget Focused on Infrastructure

By Greg R. Lawson
February 16, 2018

A newly-released report from the Reason Foundation, reinforces the need for state policymakers to keep the soon-to-be-released capital budget focused on repairing and building Ohio's physical infrastructure. Something The Buckeye Institute recently called for in our own report, *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*.

The Reason Foundation's 23rd Annual Highway Report found that **Ohio ranked** 26th in the nation in highway performance and cost-effectiveness. Not a great ranking for the country's seventh largest state with the ninth largest highway system.

And when you get into the details, the rankings don't get much better. Ohio ranked:

- 20th in deficient bridges;

- 27th in urban Interstate pavement condition;
- 23rd in urbanized area congestion;
- 28th in rural Interstate pavement condition; and
- 17th in rural arterial pavement condition.

The good news is state policymakers have an opportunity to address this problem and can do so without having to spend vast amounts of additional dollars.

By re-focusing the portion of the capital budget typically spent on pork projects and instead spending it on repairing Ohio's roads and bridges we can begin to reverse these lackluster rankings. That will put Ohio, and Ohioans, back in the fast lane.

Greg R. Lawson is the research fellow at The Buckeye Institute.

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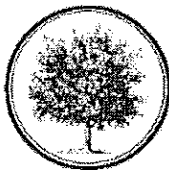
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February 20, 2018

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**The Buckeye Institute Testifies on the
Negative Impacts of Tax Exemptions**

Greg Lawson Testifies Before Ohio House Ways and Means Committee on House Bill 337

Columbus, OH -- The Buckeye Institute's Greg R. Lawson testified today (see full text below or **download a PDF**) before the Ohio House Ways and Means Committee, highlighting the ways that tax credits and exemptions cost Ohio and Ohioans money, and how they complicate the state's tax code making it more difficult for taxpayers to fill-out their returns.

After outlining how the **Ohio Department of Taxation** defines a tax expenditure, Lawson stated Buckeye's long-held position on these types of exemptions saying, "The Buckeye Institute has long opposed most tax expenditures, including credits and exemptions,

because of their adverse impacts on taxpayers and the level playing field on which a free market depends."

Citing research from the **Tax Foundation**, Lawson went on to highlight the particular problem exemptions place on counties located on Ohio's borders. "Adopting too many sales tax exceptions risks forcing some counties to raise their tax rates, which will in turn make them less competitive...and higher rates could prove an even greater competitive disadvantage for counties along our borders."

###

**Interested Party Testimony on House Bill 337
Before the Ohio House Ways and Means Committee**

**Greg R. Lawson, Research Fellow
The Buckeye Institute
February 20, 2018**

Chairman Schaffer, Vice Chair Scherer, Ranking Member Rogers, and members of the Committee, thank you for the opportunity to testify today regarding House Bill 337 and Ohio's tax policy.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, a free-market think tank here in Columbus that advocates for low-tax, low-regulation policies that remove barriers to prosperity for Ohioans.

According to the Ohio Department of Taxation, a tax expenditure is any tax policy that has the following four characteristics:[1]

- The item reduces, or has the potential to reduce, one of the state's General Revenue Fund taxes;
- The item would have been part of the defined base;
- The item is not subject to an alternative tax; and
- The item is subject to change by state legislative action.

The Buckeye Institute has long opposed most tax expenditures, including credits and exemptions, because of their adverse impacts on taxpayers and the level playing field on which a free market depends.

As exceptions to the tax code, tax expenditures effectively narrow the tax base. The narrower the tax base the higher and more confiscatory taxes become for those still subject to the tax. Thus, tax expenditures, however unintentionally or well-intended, eventually pick economic winners and losers through their preferential treatment under the law.

Flatter taxes, by contrast, levied on broader bases and without special exemptions, lower the tax burden and spread the cost of the tax more evenly and fairly among taxpayers.

Additionally, adopting too many sales tax exceptions risks forcing some counties to raise their tax rates, which will in turn make them less competitive. According to the Tax Foundation, Ohio already has the highest average combined state and local sales tax rate among its neighbors, and higher rates could prove an even greater competitive disadvantage for counties along our borders.[2]

Tax policies that may put more of our counties at a greater disadvantage is not sound tax policy for Ohio.

Thank you again for the opportunity to testify today. I would be happy to answer any questions that the Committee may have at this time.

[1] State of Ohio, **Fiscal Year 2018-2019 Tax Expenditure Report**, Office of Budget and Management, November 25, 2016.

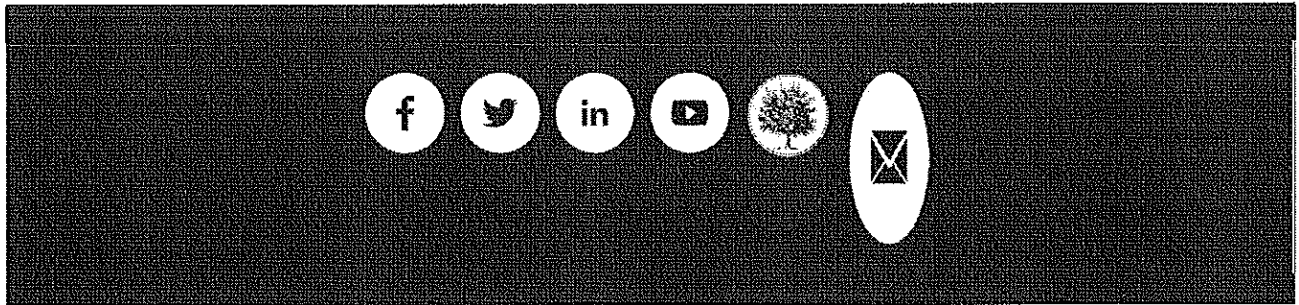
[2] Jared Walczak and Scott Drenkard, **State and Local Sales Tax Rates 2018**, The Tax Foundation, February 2018.

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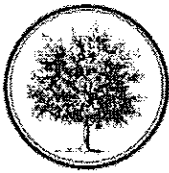
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The Buckeye Institute's Rea Hederman Praises Initial Steps in Waiver Process, Says More Needs to be Done

Columbus, OH -- On Friday, the Ohio Department of Insurance and the Ohio Department of Medicaid kicked-off the public comment period for two Medicaid waivers that will be submitted to the U.S. Department of Health and Human Services.

Rea S. Hederman Jr., who is executive director of the Economic Research Center at **The Buckeye Institute**, vice president of policy, and a nationally recognized expert on health care policy, and the author of *Returning Health Care Power to the States: The Affordable Care Act's Section 1332 Waiver for State Innovation*, issued the following statement.

"Last week, the state of Ohio took the initial step towards improving health care for Ohioans, ensuring that Medicaid is available to the neediest and is sustainable for future generations.

"In requesting a waiver that will include a work or community engagement requirement for healthy adults, Ohio will bring its Medicaid program in-line with other federal-state welfare programs that **already require beneficiaries to work** or engage in work-related activities. The new waiver signals that healthy adults need to work, volunteer, or attend school in order to receive their Medicaid benefits. This is a good step forward, but more reforms are needed such as cost sharing provisions like premiums, health savings accounts, a limitation on retroactive eligibility, and other tools that prepare and help Medicaid recipients transition to private health care coverage.

"Many of these policies are contained in the Healthy Ohio program that the General Assembly has long sought but was vetoed in the last budget. While the Ohio House of Representatives has overridden that veto, the Senate must still act in order to move the program forward.

"The second waiver follows through on an **idea that was initially developed and championed by The Buckeye Institute**, which is using a 1332 state innovation waiver to exempt Ohio from the individual mandate. This innovation waiver should be easily approved by the federal government, since the current mandate penalty has been eliminated by Congress. Through this waiver, Ohioans will be protected from the individual mandate tax for the next five years, even if Congress reinstates the mandate penalty. Like the Medicaid waiver, this innovation waiver is only one step on the road to a better health care system.

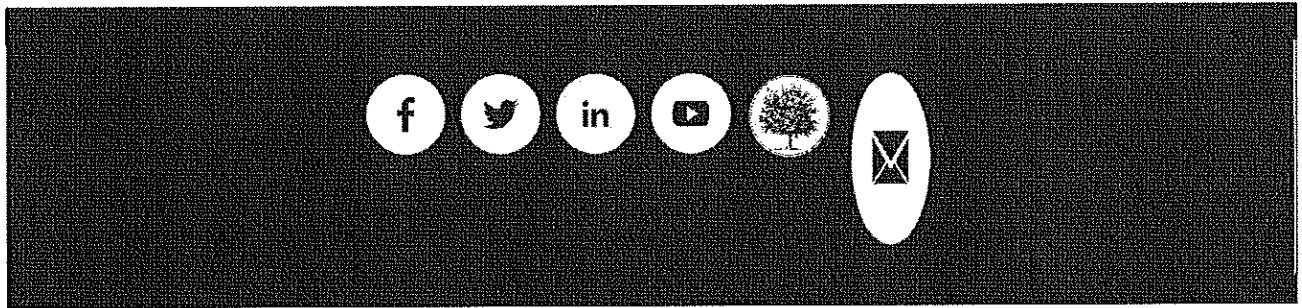
"Over the past year, the Trump Administration has promised flexibility in working with the states, and they have started to deliver. It is smart policy for Ohio to seize this opportunity but more is needed to fix both Medicaid and the insurance markets and ensure they work for Ohioans."

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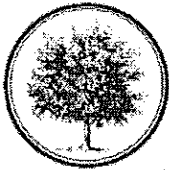
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THE BUCKEYE INSTITUTE

Montgomery County Provides More Evidence that Ohio Needs Bail Reform

By Daniel J. Dew
February 21, 2018

Ohio's cash bail system remains broken. Just ask **Markcus Brown**, the man locked-up for nine days because he did not meet the RTA's dress code and he could not afford bail after his arrest for "trespassing" at the bus station. Mr. Brown's case is another stark reminder that the cash bail status quo does a remarkably poor job of determining which defendants should be released before trial and which should wait in jail.

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Aware of the bail system's shortcomings, the Montgomery County Commissioners recently **studied the bail practices** of the county's Court of Common Pleas and its municipal courts. The study found that from 2014 to 2017, defendants in the Montgomery County municipal courts on supervised release appeared for court 20 percent more often than those out on cash bail. Similarly, in the county's Court of

Common Pleas, defendants released using cash bail were nearly twice as likely to skip court as those released without any financial conditions, and defendants released with supervision performed comparably to those out on bail.

The Montgomery County study provides more compelling evidence that cash bail has little-if any-real correlation to defendants appearing for their court dates. Instead, the study found that even though bail did not improve court appearance rates, the Court of Common Pleas had an overall appearance rate 26 percent higher due in part to its use of the **Ohio Risk Assessment System (ORAS)**.

The ORAS gives judges additional information about pre-trial defendants, helping them make a more accurate assessment of each defendant's flight-risk and the potential threat that he or she poses to the community. Not surprisingly, after using the ORAS tools, the Montgomery Court of Common Pleas had a nearly 19 percent higher appearance rate for those released on bail, and a 42 percent higher appearance rate for those released on their own recognizance.

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Unfortunately, Montgomery County municipal courts do not use risk-assessment tools and must instead rely on the limited information found in the case file or a ham-fisted bail schedule that crudely monetizes each alleged offense. Thus, municipal judges remain at a pre-trial disadvantage-and their communities and defendants continue to suffer for it.

The special interests in favor of preserving cash bail's faulty status quo contend that pre-trial risk-assessment tools are subjective and time-intensive-ignoring the tools used in places like Ohio's own Lucas County, for example, that have achieved better results using fewer than 10 objective data points such as prior failures to appear, convictions for violence, and age.

Lucas County courts have achieved remarkable results using the **Public Safety Assessment (PSA)** tool developed by the **Laura and John Arnold Foundation**. Since implementing the nine-factor assessment tool, crime in Lucas County committed by defendants awaiting trial has been cut in half and more defendants show-up for court, even as the number of defendants released without bail has doubled.

Montgomery County's careful study adds to the growing body of scientific evidence that risk-assessment tools work, while the traditional cash bail system does little to ensure a defendant's appearance for trial. The county commissioners were right to take a hard,

honest look at the systems and tools that judges must rely on to decide who poses a flight-risk, who may endanger the community, and who can be trusted to do no harm and return for trial. Cash alone cannot and does not accurately answer these questions.

Justice and public safety demand that Ohio and more of our local communities follow the examples of Montgomery and Lucas counties, and begin to give their judges the right kinds of tools for the job.

Daniel J. Dew is a legal fellow with The Buckeye Institute's Legal Center and the author of "Money Bail": Making Ohio a More Dangerous Place to Live.

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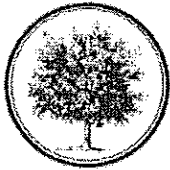
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To: Rep48

Subject: The Buckeye Institute's Greg Lawson: Court Ruling Allows Ohio Small Businesses to Focus on Growing and Creating Jobs

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THE BUCKEYE INSTITUTE

Contact: Lisa Gates, Vice President of Comms

FOR IMMEDIATE RELEASE

February 22, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

The Buckeye Institute's Greg Lawson: Court Ruling Allows Ohio Small Businesses to Focus on Growing and Creating Jobs

Columbus, OH - Greg R. Lawson, research fellow at **The Buckeye Institute**, issued the following statement regarding Franklin County Judge David Cain's decision to uphold a provision in Ohio's budget that allows the state to collect municipal business-profit taxes from cities, counties, and villages.

"The **decision** by Franklin County Judge David Cain to uphold an Ohio law that allows businesses, that must file tax returns in multiple jurisdictions, to voluntarily consolidate their filings through the state is an important step in reforming our broken tax system.

"**The Buckeye Institute**, along with national organizations such as the **Tax Foundation**, have long called for Ohio to fix its byzantine municipal income-tax system, which is one of

the most complicated and unfair systems in the nation, and continues to be a significant obstacle to Ohio's economic growth.

"The reform, passed in the most recent **biennial budget**, is a solid step towards fixing our tax code and it is disappointing that many local officials would rather sue the state than repair a system that harms Ohio's small business owners who don't have the money to hire high priced accountants.

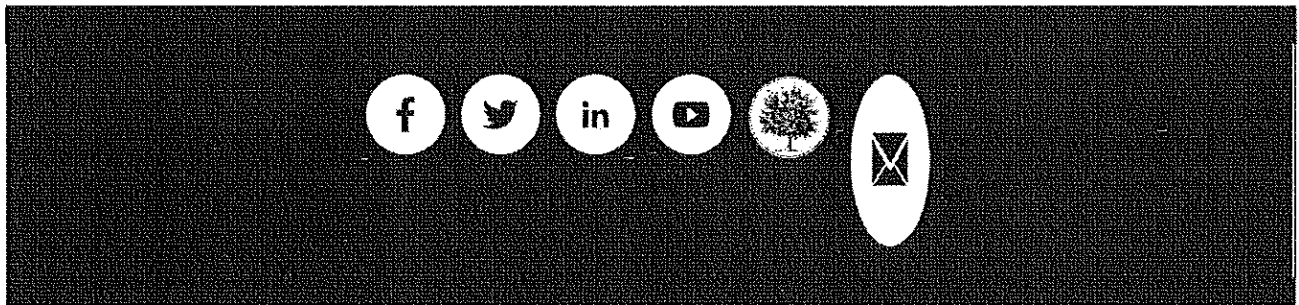
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"No doubt this won't be the end of the story as appeals will likely be filed. But today, Ohio businesses can breathe a little easier and focus on growing and creating jobs."

###

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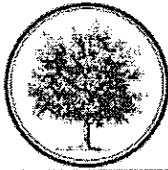
Sent: Friday, February 23, 2018 3:39 PM

To: Rep48

Subject: ICYMI: Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME

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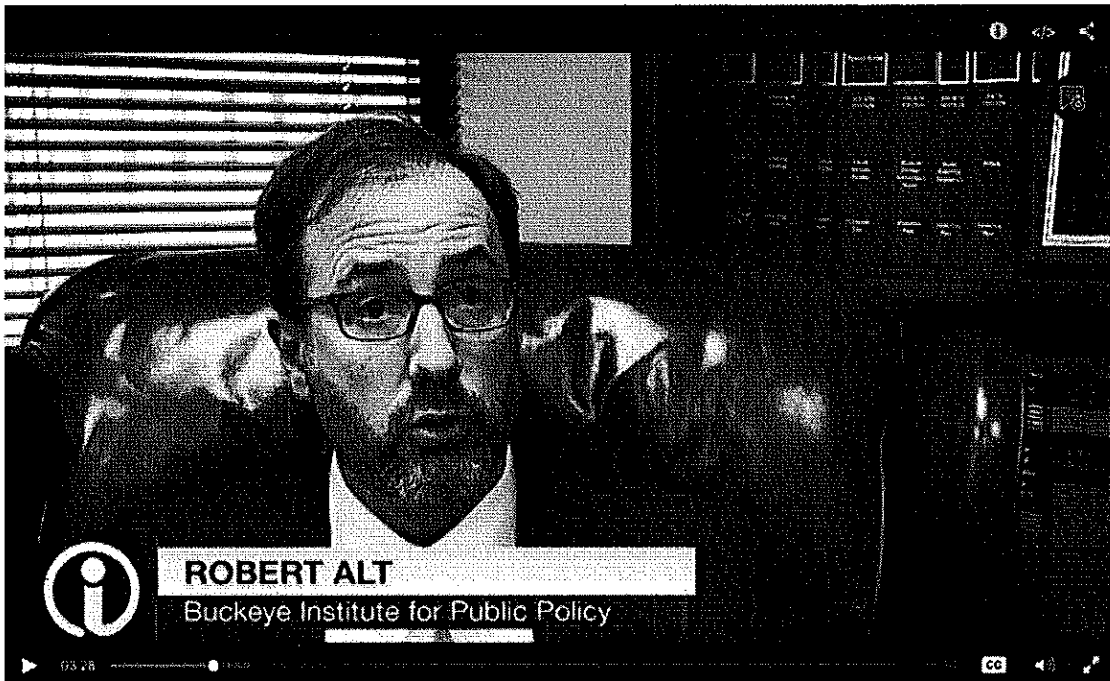
Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME

The Buckeye Institute's president and CEO Robert Alt, talked to IdeaStream's Ashton Marra about *Janus v. AFSCME* and the impact it could have on protecting the First Amendment rights of Ohio's public employees.

In the interview, Alt said in regards to public employees being forced to pay agency fees, "You don't have a choice then on how it is that the unions use that money in terms of speech, what they advocate for. That's really the core of this case."

Read and listen to the radio piece at: <http://bit.ly/2EMIE8e>.

Watch the television piece at: <http://bit.ly/2CG11XH> (Segment runs from :56-6:27).

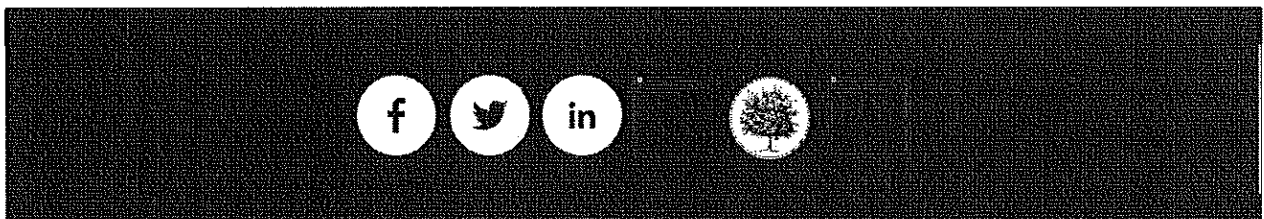


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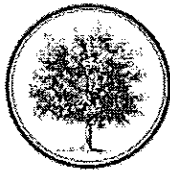
Sent: Saturday, February 24, 2018 12:49 PM

To: Rep48

Subject: The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

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FOR IMMEDIATE RELEASE
February 24, 2018

The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

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Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement regarding the Working People's Day of Action rally in Columbus, Ohio.

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"Today we witnessed the First Amendment in action. Individuals who support unions joined together at a rally to freely express their opinions. But what if instead of rallying and voicing their own opinions, they were forced to pay for the speech of those who oppose unions or else they would be fired? That would be unfair, not to mention violate the First Amendment. Mark Janus and public employees in many states including Ohio face exactly that kind of predicament.

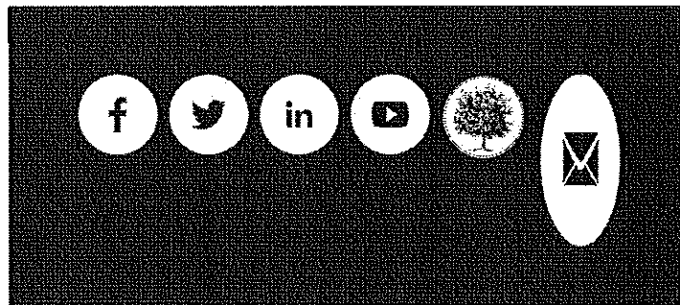
"On Monday, we will once again watch the robust protections of our constitutional system in action as Mr. Janus' case is heard before the Supreme Court of the United States. If Mr. Janus prevails, public employees will no longer be forced to pay for political speech with which they disagree, thus ending the violation of their First Amendment rights.

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

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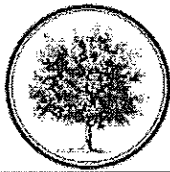
Sent: Monday, February 26, 2018 1:39 PM

To: Rep48

Subject: ICYMI: In a piece for National Review Buckeye's Robert Alt looks the funding of Janus v. AFSCME

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In a **piece for National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

NATIONAL REVIEW

The Money Behind *Janus*: It's Deja vu All Over Again

National Review
By Robert Alt
February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

Just as in *Friedrichs*, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

This is the real story of the money behind the *Janus* case-a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of

millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

Robert Alt is the president and chief executive officer of The Buckeye Institute.

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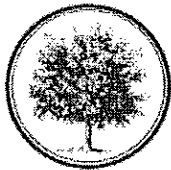
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FOR IMMEDIATE RELEASE
February 26, 2018

After Attending Oral Arguments in Janus v. AFSCME, Buckeye's Robert Alt Reacts

Columbus, OH -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement after attending the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* at the Supreme Court of the United States.

"Today, Mark Janus, and all hard-working public employees, had their day in court. Mr. Janus's lawsuit has the potential to be one of the most important labor and free speech cases in the past 40 years.

"Justice Kennedy, who is traditionally a swing vote on the Supreme Court, asked very tough questions of the union lawyers, in which he expressed major concerns about the speech at issue being both compelled and political. Given how frequently Justice Kennedy

is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree.

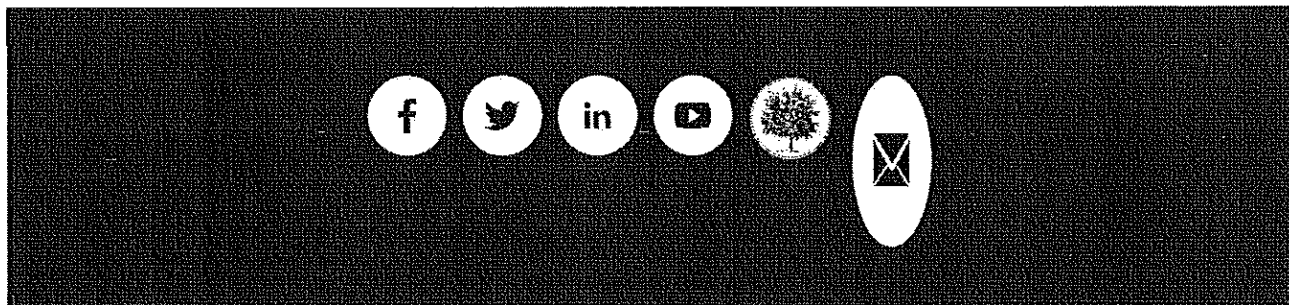
"What Mark, and others before him have done is not easy. Standing up for your rights and the rights of others is rarely an easy thing to do, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."

The Buckeye Institute **filed briefs** with the Supreme Court of the United States supporting the free speech rights of public employees like Mr. Janus.

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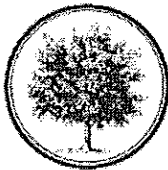
Sent: Monday, February 26, 2018 4:19 PM

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Subject: The Buckeye Institute Reacts to 2018 Capital Budget, Urges Spending to Focus on Physical and Democratic Infrastructure Needs

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FOR IMMEDIATE RELEASE
February 26, 2018

The Buckeye Institute Reacts to 2018 Capital Budget, Urges Spending to Focus on Physical and Democratic Infrastructure Needs

Columbus, OH -- The Buckeye Institute issued the following statement on the introduction on the 2018 capital budget, **Senate Bill 266** and **House Bill 529**.

"With the capital budget officially introduced, Ohioans will now be able to see how many millions of dollars are being appropriately spent on critical infrastructure and core government services versus being set aside for pet local projects and pork spending," said Greg R. Lawson, research fellow at The Buckeye Institute. "And rest assured, Buckeye will be reviewing the budget to see how closely it aligns to the principles we laid out in *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*."

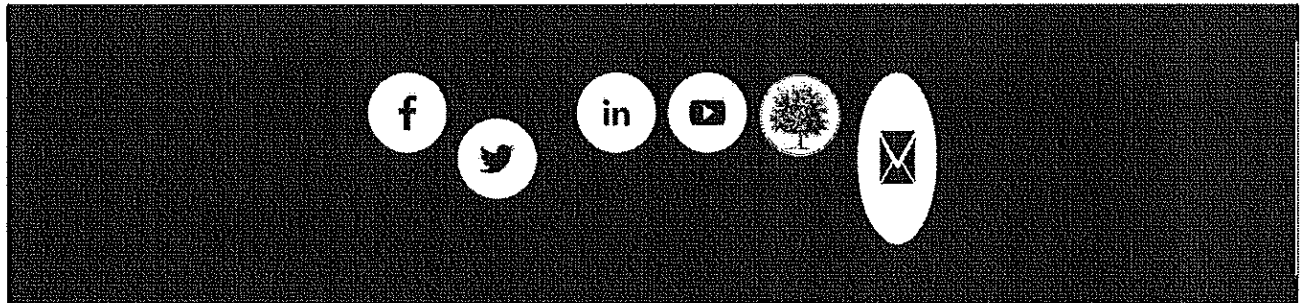
"Regardless of where the capital budget begins, policymakers still have an opportunity to adhere to these principles - constrain the growth of state government, eliminate corporate

and special interest welfare, and focus spending on the core functions of state government," Lawson continued. "Ohioans' taxpayer dollars should be used to strengthen the state's physical and democratic infrastructure, not on special interest pork projects that should be funded through private means."

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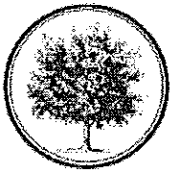
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Subject: Buckeye Stands with Mark Janus at the U.S. Supreme Court Today

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THE BUCKEYE INSTITUTE

Buckeye's Robert Alt, Rea Hederman, and Lisa Gates traveled to Washington, DC, for the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, and a rally in support of Mark Janus and hard-working public employees this morning.



Robert Alt (center) with Mark Janus and Rebecca Friedrichs outside the U.S. Supreme Court after oral arguments.

Before they left, **Robert commented on the union rally** in Columbus on Saturday, saying:

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

Before getting in line at 5:45 a.m. to attend the oral arguments this morning, Robert wrote a **piece for National Review** commenting on the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

After the oral arguments, Robert **again offered his expert opinion** to the press and his reaction to today's hearing, saying:

"What Mark, and others before him have done is not easy, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."



Robert Alt talks with media about the *Janus v. AFSCME* oral arguments and what the case means for public employees.

While Robert was in the courtroom today, Buckeye's Rea Hederman was on the steps of the Supreme Court speaking at the Stand With Mark rally outside the Supreme Court.



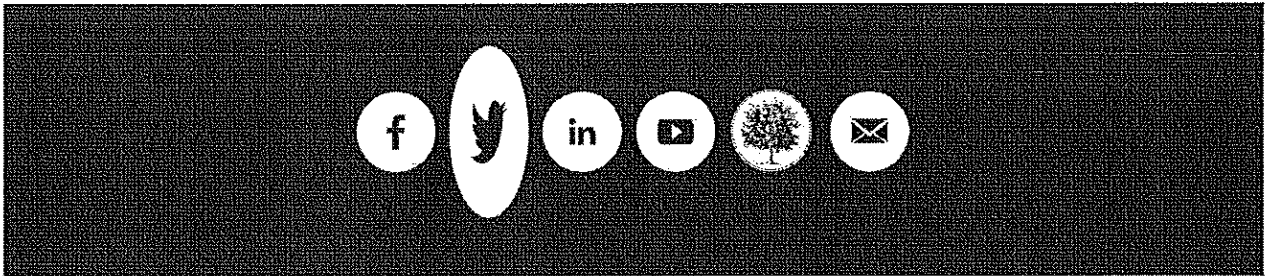
Buckeye's Rea Hederman speaks at the Stand With Mark rally.

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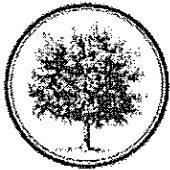
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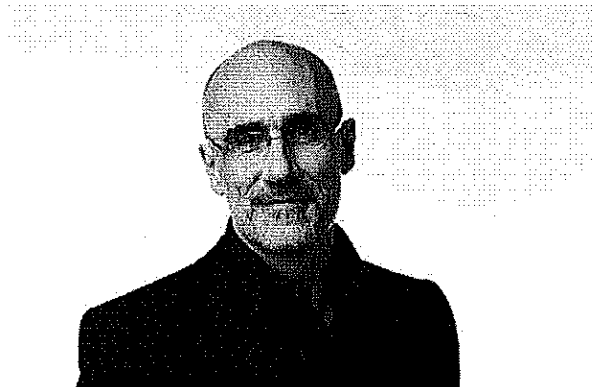
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THE BUCKEYE INSTITUTE

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You are cordially invited to join us for an extraordinary luncheon talk featuring American Enterprise Institute (AEI) President Arthur Brooks on Wednesday, March 21, at noon.

This is a very special event and great opportunity that you don't want to miss, so register soon as it will likely sell out. (Further details available by following registration link.)

We hope to see you there!

Sincerely,

Your friends at The Buckeye Institute

Register to Attend

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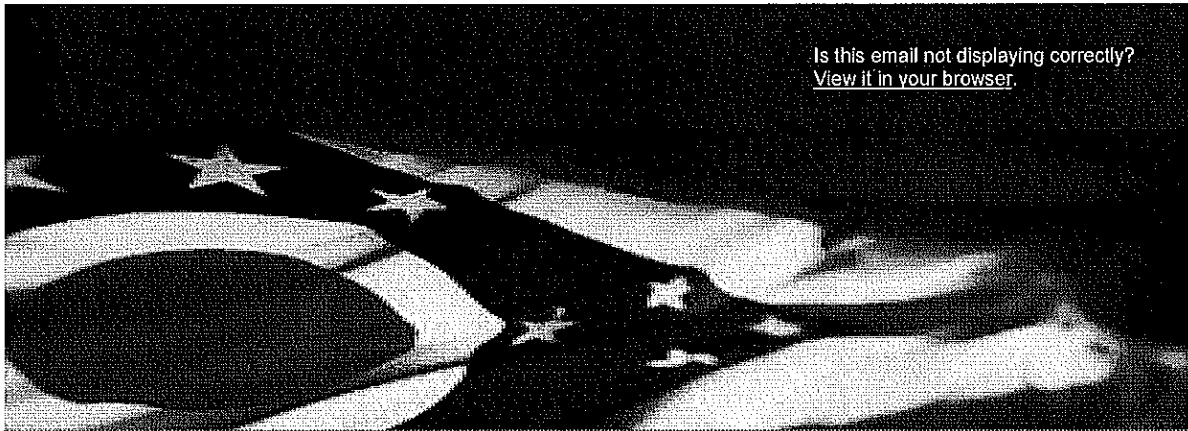
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Subject: 2018 Ohio Lawyers Chapters Conference



You are invited to attend:

2018 Ohio Lawyers Chapters Conference

April 6, 2018
The Westin Columbus
310 High St.
10:30 AM - 5 PM

Attend Event

On April 6, Federalist Society chapters from around the state will be host the Second Annual Ohio Lawyers Chapters Conference. You won't want to miss it. Participants include:

Hon. Mary DeGenaro

Associate Justice, Ohio Supreme Court

Hon. Gregory G. Katsas

United States Court of Appeals, District of Columbia Circuit

Hon. Sharon Kennedy

Associate Justice, Ohio Supreme Court

Eric Murphy

Ohio State Solicitor

Chad A. Readler

Acting Assistant Attorney General, Civil Division
U.S. Department of Justice

Dave Yost

Ohio State Auditor

and many more

You can view the full schedule below. This is our chance to build on the phenomenal momentum we started last year. So **REGISTER NOW!**

Attend Event

Registration

10:30 AM - 11:00 AM

Opening Remarks

11:00 AM - 11:10 AM

- **Chad A. Readler**, Acting Assistant Attorney General, Civil Division, United States Department of Justice

Introduction to Originalism and Federalism: Where Are the Courts Heading?

11:10 AM - 12:15 PM

Since the 1980s, the originalist approach to constitutional interpretation has gained greater and greater acceptance in legal circles, and the number of originalists within the Supreme Court and the federal judiciary has grown. At the same time, originalism still has fierce critics who argue that it is an inappropriate method for constitutional interpretation. Likewise, in the last decades of the 20th century the U.S. Supreme Court breathed new life into a federalist view of the Constitution and the relationship between the federal government and the states. As with originalism, the federalist movement has its own strong critics. The panelists will discuss these two legal concepts. What are originalism and federalism, really? Are they valid or flawed? What developments may we see from the federal courts with regard to these concepts in the future—particularly in light of Neil Gorsuch's joining the U.S. Supreme Court in 2017? And how do these concepts apply to the work of ordinary legal practitioners?

- **Professor Jonathan Adler**, Johan Verheij Memorial Professor of Law; Director, Center for Business Law and Regulation, Case Western Reserve University School of Law
- **Eric Murphy**, State Solicitor, Ohio
- **Peter M. Shane**, Jacob E. Davis and Jacob E. Davis II Chair in Law, Ohio State University Moritz College of Law

- **Hon. Gregory G. Katsas**, United States Court of Appeals, District of Columbia Circuit (**Moderator**)

Lunch

12:15 PM - 1:30 PM

Criminal Justice Reform: A Necessary Correction or a Dangerous Experiment?

1:45 PM - 3:00 PM

Demand for criminal justice reform appears to be growing across the political spectrum. Bipartisan coalitions have formed to address overcriminalization, prison reform, bail bond reform, sentencing guidelines reform, and more. Panelists will explore these efforts. Are reforms truly needed, or does the criminal justice system already work well? If reforms are needed, what reforms are best—and are there reforms in other states that may be worth exploring in Ohio? What efforts have the Ohio General Assembly and the Ohio Supreme Court made to address criminal justice reform? Are there arguments that criminal law practitioners should be making in the courtroom in light of these legal developments?

- **Dave Yost**, Ohio State Auditor
- **Robert Alt**, President, Buckeye Institute
- **Heather Childs**, Vice President, Compliance, Capital One
- **Hon. Sharon Kennedy**, Associate Justice, Ohio Supreme Court (**Moderator**)

Analyzing Ohio's Judicial System and the Ohio Supreme Court

3:15 PM - 4:30 PM

What methods of interpretation should Ohio courts use in constitutional matters and in

cases involving disputes over statutory text? Does the Ohio Supreme Court have obligations or restrictions different from those facing federal courts? Are there systemic problems in the Ohio judicial system that the Ohio Supreme Court needs to address? Has the Ohio Supreme Court improperly ignored established precedent or constitutional or statutory requirements in ways that need to be corrected? Can judges really maintain independence if they are elected by voters and must run in partisan primaries? If so, how? What role do lawyers play in building citizen trust and support in the judiciary? Candidates for the two current vacancies on the Ohio Supreme Court will share their views on how the Ohio Supreme Court should address these and other questions. They will also explain how their views are informed and shaped by the Ohio Constitution, the Ohio canons of judicial ethics, and past studies of the administration of justice in Ohio's courts.

- **Hon. Mary DeGenaro**, Associate Justice, Ohio Supreme Court
- **Hon. Craig Baldwin**, Fifth District Court of Appeals
- **Hon. Michael Donnelly**, Cuyahoga County Common Pleas Court

Reception

4:30 PM - 5:30 PM

Additional information and speakers to come.

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Register

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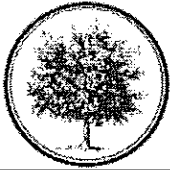
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THE BUCKEYE INSTITUTE

In National Review, Buckeye's Rea S. Hederman Jr. and the Galen Institute's Doug Badger call on Congress and the administration to give states more latitude to fix their health insurance markets, which is the central recommendation of their new **Mercatus Center** study.

NATIONAL REVIEW

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Can States Repair Obamacare's Damage?

National Review

By Doug Badger and Rea Hederman

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March 2, 2018

Washington broke insurance markets. It should let states try to fix them.

Having failed to repeal the Affordable Care Act, congressional Republicans now want to create a new corporate welfare program to save it.

Here's a better idea: Congress and the administration should give states more latitude to clean up the mess - at no additional cost to the federal government.

That is a central recommendation of a new **Mercatus Center study** that we co-authored. Our study examined congressional and federal proposals that surfaced throughout last year in the broader context of the star-crossed "repeal and replace" debate.

The most promising ideas to repair broken insurance markets emanated not from Washington, but from the states.

That should surprise no one. States have traditionally been the primary regulators of health insurance, as they are for other forms of insurance. Obamacare rests on the hubris that federal bureaucrats could regulate health-insurance markets better than could states.

Federal intervention has proven a mixed blessing or a mixed curse, depending on your point of view. Insurance coverage is more accessible to those with chronic medical conditions who don't have employer-sponsored insurance and don't qualify for Medicare or Medicaid. More low-income people have insurance today than in 2013. If you spend **\$1.8 trillion** on Medicaid expansions and subsidies, you're bound to help some.

But others are hurting. Premiums for non-group coverage **more than doubled** between 2013 (the year before Obamacare took effect) and 2017 and increased by another **37 percent** this year. Consumers, like many insurers, have responded by abandoning those markets. The individual market **began to shrink** in 2016, a contraction that appears to have accelerated last year.

Yet the green shoots of state innovation continue to sprout from Obamacare's ruins. The question is whether Washington will nurture or uproot them.

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Our study chronicles how federal legislative efforts to repeal Obamacare gradually evolved to allow more state control over how federal resources would be directed and more latitude to deviate from the law's stultifying regulatory regime.

At the same time, the Trump administration **encouraged states** to take full advantage of an obscure **provision** of the Obamacare statute that permits the Centers for Medicare and Medicaid Services to grant waivers to states to sidestep some of the law's most onerous requirements.

States responded aggressively to the administration's overtures. A number of proposals emerged, each of which set forth cutting-edge ways to make health insurance more affordable, especially to those who don't qualify for federal subsidies.

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Most importantly, states had to show that their waivers wouldn't result in additional federal spending. Instead, their programs had to allocate federal dollars more efficiently, reducing premiums and, as a consequence, federal premium-assistance subsidies, holding the federal government harmless.

Alaska, unlike other states, won federal approval for its "reinsurance" waiver. They finance it partially with state funds and partially with federal money that would otherwise have been paid directly to insurers on behalf of low-income enrollees. The results are promising. Premiums for the lowest-priced Bronze plan in the state fell by **25 percent** in 2018. In other states, premiums for such plans rose by a median of 16.4 percent.

Congressional Republicans are learning the wrong lessons from Alaska. The insurance lobby has convinced GOP lawmakers that state reinsurance programs would work even better if they weren't budget-neutral to the federal government. The more the feds **spend**, lobbyists argue, the more consumers will save.

Our study suggests that giving states more control over their markets (rather than more money for insurance companies) is the far better path. Allowing them more latitude to deviate from the ACA's stringent structure can help make insurance more affordable, while still protecting consumers.

Unfortunately, many states are feeling burned. The Trump administration invited them to innovate, then declined to approve many of their innovative proposals. The administration should restore that trust by rescinding Obama-era guidelines that impose counterproductive limitations on waivers and taking additional steps to streamline the waiver approval process.

Congress also should consider building on a legislative **proposal** by Lindsey Graham (R., S.C.) and Bill Cassidy (R., La.) that would empower states to implement consumer-centered health-care reform. The Graham-Cassidy measure would provide federal resources to states instead of to insurance companies and task states with designing programs to make individual health insurance affordable to their residents, regardless of their income or medical condition.

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At the very least, Congress should refrain from spending additional federal money on reinsurance arrangements that states can implement in a budget-neutral way. Like the administration, it should instead work to make the Obamacare waiver process more friendly to states.

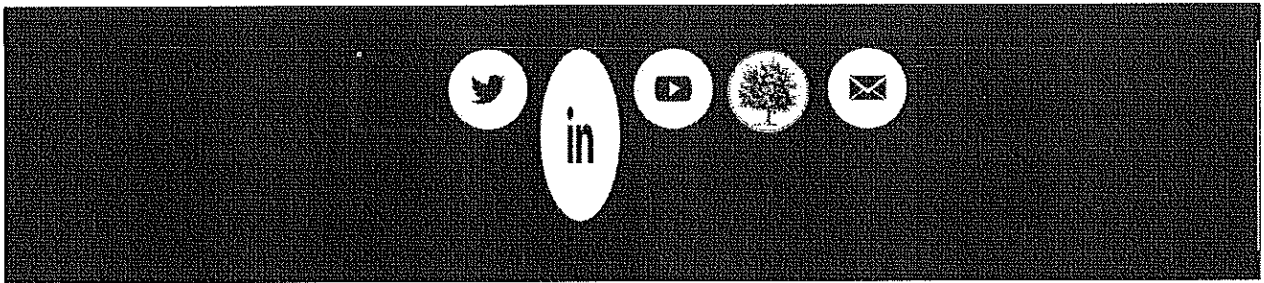
Waivers give states authority to do what Congress has failed to do: calm the market turbulence that Congress itself created with Obamacare's enactment. Congress and the administration should facilitate the use of that authority.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution - a think tank - whose mission is to advance free-market public policy in the states.

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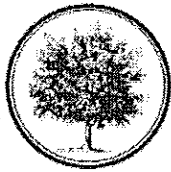
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THE BUCKEYE INSTITUTE

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FOR IMMEDIATE RELEASE

March 5, 2018

(614) 224-3255 or Lisa@BuckeyeInstitute.org

**More Than \$18 Million Spent on The Buckeye Institute's
Top 10 List of Worst Capital Budget Requests**
Ohio's Capital Budget Riddled with More Than \$85 Million in Pork Spending

Columbus, OH -- Today, **The Buckeye Institute** unveiled its Top 10 Worst Capital Budget Requests of 2018, which total more than \$18 million in spending. Buckeye's review of the capital budget also found more than \$85 million in pork barrel or highly localized projects that should be paid for with private donations or through local efforts.

"As our Top 10 list shows, once again, Ohio's capital budget is riddled with pork projects that benefit narrow local interests and not larger state needs. If these, and other pork projects in the budget, were funded using local or private dollars, as they should be, Ohio could have at least \$85 million more that it could spend on pressing state priorities, save, or better yet, return to taxpayers," said Greg R. Lawson, research fellow at The Buckeye

Institute. "Policymakers should do more to heed our call to focus the capital budget on **strengthening Ohio's physical and democratic infrastructure** and move away from projects of predominately local interest. Simply put, it is hard to see how it benefits someone in Youngstown for Cincinnati to get a soccer stadium or how people in Cleveland benefit from renovations to COSI."

Buckeye's Top 10 Worst Capital Budget Requests of 2018

- **\$400,000** to build government owned broadband networks in North Olmsted, Southern Miami Valley, and Fairborn. The Buckeye Institute has shown these networks would be **better built by the private sector**;
- **\$5 million** for the **COSI Connection Corridor**, a retail and restaurant space, in Columbus;
- **\$1 million** for two **Columbus Zoo** exhibits, which is partially funded by Franklin County property taxes;
- **\$1 million** for an **atrium at the North Market** that will connect it to the 35-story office and residential Market Tower;
- **\$800,000** for six splash pads around the state;
- **\$2.5 million** to expand the **Cleveland Museum of Natural History**;
- **\$1.3 million** to renovate the **Blossom Music Center in Cuyahoga Falls**;
- **\$4 million** for a new **Major League Soccer stadium in Cincinnati**. The money will only be released if Cincinnati is awarded an MLS expansion team;
- **\$1.2 million** for renovations to Cincinnati Playhouse in the Park; and
- **\$1 million** for renovations to the **Toledo Museum of Art**.

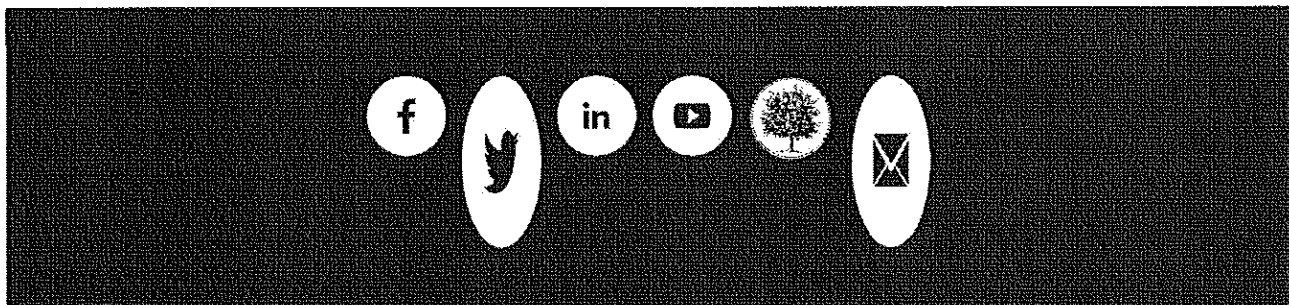
In its report in *Principled Spending: Using Ohio's Capital Budget to Benefit Ohioans*, Buckeye outlined three principles to guide policymakers - constrain the growth of state government, eliminate corporate and special interest welfare, and focus spending on the core functions of state government. The Buckeye Institute also urged policymakers to use the 2018 capital budget to strengthen Ohio's physical and democratic infrastructure.

A review of the capital budget shows that more than \$1 billion is being used to strengthen Ohio's physical infrastructure and there is no money in the capital budget being used to strengthen Ohio's democratic infrastructure.

###

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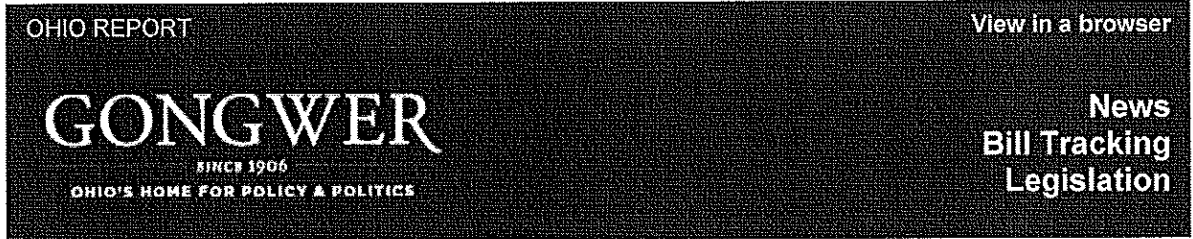
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OHIO REPORT

MONDAY, MARCH 5

Children Services Rule To Get Second Look After Concerns Raised At JCARR

Report Outlines Ohio's Rankings Ahead Of Kasich's Address

Lawmaker Looks To Crack Down On Theft In Office

Opioid Prescriptions Fall For Fifth Straight Year, Pharmacy Board Reports

DeWine Sues Monsanto, Crew SC Operator/Investor And MLS

Planned Updates To Give Farmers New Tool In Curbing Phosphorus Runoff

House District 83: Former Nurse, Business Leader Face Off In GOP Primary

Rover, OEPA Clash Over Landslides, Detected Chemical Traces

New Member Profile: Rep. McClain Follows In Father's Footsteps

Politics Notebook: Buckeye Institute Highlights Capital Budget 'Pork'; Taylor Picks Up Endorsement; Schiavoni Releases New Ad; Balderson Touts War Chest

Supplemental Agency Calendar

Supplemental Event Planner

CALENDARS

Day Planner

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Daily Activity Planner for Tuesday, March 6

Legislative Committees

Senate Public Utilities (Committee Record) (Chr. Beagle, B., 466-6247), Finance Hearing Rm., 9:30 a.m.

- Confirmation hearing on governor's appointments of M. Beth Trombold, Public Utilities Commission of Ohio and Gregory Murphy, Power Siting Board

HB 478 **WIRELESS SERVICES** (Smith, R., LaTourette, S.) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way. (1st Hearing-Sponsor)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 10 a.m.

HB 529 **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (3rd Hearing-All testimony-Possible vote)

HB 508 **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (4th Hearing-All testimony-Possible vote)

HB 378 **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (7th Hearing-All testimony-Possible amendments, substitute & vote)

House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

SB 226 **TAX HOLIDAY** (Bacon, K.) To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (2nd Hearing-Proponent)

House Agriculture & Rural Development (Committee Record) (Chr. Hill, B., 644-6014), Rm. 121, 1 p.m.

HB 501 **VETERINARY TITLES** (LaTourette, S., Huffman, S.) To change professional title of "registered veterinary technician" to "registered veterinary nurse." (1st Hearing-Sponsor)

HR 298 **ALFALFA PRODUCTS** (Sprague, R., Hill, B.) To recognize the existence of two alfalfa products in light of the recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials. (1st Hearing-Sponsor)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.

SB 266 **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make

reappropriations for the biennium ending June 30, 2020. (3rd Hearing-Opponent)

SB 225 **BROADBAND GRANTS** (Schiavoni, J., Eklund, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (1st Hearing-Sponsor)

SB 246 **STUDENT REMOVAL** (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (1st Hearing-Sponsor)

HB 329 **PYRAMID SCHEMES** (Pelanda, D.) To modify the law governing pyramid promotional schemes. (3rd Hearing-Opponent)

House Session (Committee Record), **Senate Session** (Committee Record) (Chr. Rosenberger, C., 466-3357, Chr. Obhof, L., 466-4900), Fritsche Theater, Otterbein University, 30 S. Grove St., Westerville, 7 p.m.

- Joint convention for the Governor's State of the State address

Agency Calendar

Small Business Advisory Council, Women's Small Business Accelerator's ThinkSpace, 24 Westerview Dr., Westerville, 10 a.m.

Public Facilities Commission, 35th Fl., 30 E. Broad St., Columbus, 3:30 p.m.

Event Planner

OhioLINK, Ohio Department of Higher Education discussion on textbook affordability and open educational resources, Otterbein University, Towers Hall, Westerville, 10 a.m.

Sen. Rob McColley (R-Napoleon) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for McColley)

Rep. Scott Ryan (R-Granville Township) fundraiser, Oliver's, 26 N. High St., Columbus, 11:30 a.m., (Sponsor: \$1,000; Host: \$500; Chair \$350 to Citizens for Scott Ryan)

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Volume #87, Report #43 -- Monday, March 5, 2018

Children Services Rule To Get Second Look After Concerns Raised At JCARR

The Department of Job and Family Services will refile a proposed rule dealing with child abuse and neglect investigations after agencies said it would lead to more cases and higher costs.

The Public Children Services Association of Ohio told members of the Joint Committee on Agency Rule Review Monday that the proposed rules would prevent agencies from making "collateral contacts" before deciding to accept a case. That means they would not be able to check certain details, such as whether a parent was in drug treatment, before opening an investigation.

ODJFS argued the county agencies have long been advised in state guidance not to do so. Contacting other people about a potential child abuse or neglect case before contacting the parent can jeopardize the parent's privacy.

The proposed rule changes were designed in part to incorporate revisions to the federal Comprehensive Addiction and Recovery Act, which require more mandatory reporting in cases where children are born addicted to drugs.

The department included the provision preventing collateral contacts before cases to reinforce provisions that have been in guidance for more than a decade, Carla Carpenter, deputy director for the Office of Families and Children at ODJFS, told JCARR.

"The change to the rule merely echoes the guidance that we have been providing since 2005," she said.

Mary Wachtel, director of public policy for the PCSAO, said the rules would make it harder for agencies to screen potential cases by preventing them from following up for more information on referrals before opening an official investigation. It could lead to agencies opening investigations for children who aren't being neglected or abused, opening cases that would require home visits and other costs, she said.

"We are talking about a judicious, somewhat limited use of pre-screening collateral contacts," she said.

Other states allow for collateral contacts before cases are screened in, she said. Those states often have limits, such as that the only people to be contacted would be mandatory reporters of abuse or neglect, such as medical providers.

Ms. Wachtel suggested the department convene a stakeholder group to work out a solution.

"There is a fix here," she said. "We respectfully request that the rules be withdrawn to give time for a substantive discussion and consideration."

The department consulted with stakeholders before drafting the rule, Ms. Carpenter said.

Agencies are given 24 hours to gather information from internal sources, such as if the parent has had previous contact with the child welfare system, and to work back with the person referring the case, she said.

In many cases, particularly those involving drug abuse under the CARA provisions, the person making the referral is a medical professional, Ms. Carpenter said. In those cases, the provider can obtain a release of medical records from the parent to demonstrate that the parent has a drug treatment care plan, for example.

Lawmakers pressed the department on what would happen if the person making the referral was not a medical provider.

"How can you get a written release when you're not allowed to make a collateral contact?" Sen. Michael Skindell (D-Lakewood) asked.

The agencies would be able to look at the information they have and to ask follow-up to the person referring the case, Ms. Carpenter said. The rules follow the same procedure as guidance in place now.

"They essentially would be making that decision the same way they do today," she said.

JCARR Chair Sen. Joe Uecker (R-Loveland) asked how many counties are not complying with the guidelines.

Ms. Carpenter said the department wasn't aware of deviation from the guidance until recently.

Rep. Mike Duffey (R-Worthington) said the agency indicated the rule change would have no fiscal effect for the state or for counties, but it could increase the number of cases agencies take on.

The department said the change only codified what was expected to be standard practice, and increases weren't anticipated, Ms. Carpenter said.

"We have a duty as children services agencies to respond to reports that require our attention," she said. "We don't have control over what comes through our front door."

JCARR members caucused for about 45 minutes on the issue, after which ODJFS officials said they would refile the rule pending further discussions with stakeholders.

Report Outlines Ohio's Rankings Ahead Of Kasich's Address

While the state comes in above national averages for the number of residents with health insurance, students enrolled in Pre-K, and structurally sound bridges, it is lagging behind in a number of other areas, a new report shows.

One Ohio Now, a coalition of more than 100 health and human service organizations, labor unions and advocacy groups, released its third annual State of Ohio report on Monday. It shows Ohio's rankings in 16 areas encompassing health, education, the economy and equality.

State Director Gavin DeVore Leonard said it's important that Ohioans have a full picture of how the state is doing before the governor delivers his annual State of the State address on Tuesday.

"Unfortunately, what typically happens with the State of the State is sort of cherry picking the things that make you sound the best, the things you feel like you have the most likelihood of succeeding on in the future, and then often times sort of glazing over the things that are really at the foundation of what's happening, particularly in a place like Ohio, where there is just no getting around it, we are struggling. We're having a hard time keeping up," he said during a Statehouse press event.

Gov. John Kasich and those close to him haven't divulged what his speech will entail, but he told reporters last week that it will be "odd" and "different" than in past years. Being his last SOTS address, he's expected to recap his accomplishments while in office and focus on how he's helped to change state operations during his tenure. (See Gongwer Ohio Report, March 2, 2018)

Responding to the One Ohio Now report, his spokesman, Jon Keeling, touted the impacts the governor's leadership has had on the state over the last seven years.

"Jobs are up. Wages are growing. More Ohioans have health coverage. Support for K-12 education is at record levels. Poverty is the lowest in nearly a decade. We're taking better care of the vulnerable and those who live in the shadows. And Ohioans are wearing our colors with pride in ways this state hasn't seen in a long time," he said.

"The governor has set a new standard for leadership here in Ohio, and if those values are continued the stage is set for even more progress long after he's gone."

In addition to showing where the state ranks nationally, the report also compares last year's stats to this year's. As infant mortality, overdose deaths and poverty got worse in Ohio in 2017, the state has improved in the areas of college tuition, home foreclosures and hunger.

Despite improvements in some categories, it shouldn't be overlooked that Ohio still ranks at the bottom of states, Mr. DeVore Leonard said.

Higher investments in underperforming areas, such as K-12 and programs combatting hunger could save the state billions of dollars in the long term because Ohioans would be better off, he said.

Especially in K-12, where spending on an inflationary basis has been stagnant since 2002, it's "hard to be a recipe for success," he said.

"We believe that this can be solved and that's actually what the data shows when you look at what's happening around the country," Mr. DeVore Leonard said. "We're nervous that what's happening is that the legislature and the governor are essentially ignoring what the data tells us about how to move our state. They're ignoring what the data tells us about how we should actually get fit and get strong here in Ohio."

To find the funding to make needed investments, he suggested the state repeal a controversial small business tax cut and increase income tax rates for the state's wealthiest.

Although Gov. Kasich has been a champion of eliminating personal income taxes, Mr. DeVore Leonard said a recent softening of his policy stances gives advocates hope that he could be swayed by the data in the report.

"Over the past several weeks and the last few years we've seen that the governor has shown a willingness to reconsider when the facts are just too clear to overcome," he said, citing the governor's support of Medicaid expansion and gun policy proposals.

Mr. DeVore Leonard was joined at the rollout of the report by Trina Payne, executive director of the Ross County Community Action Commission, small business owner Dan Heck, and Vincent Johns Jr. with Faith in Public Life.

Ms. Payne said she's most concerned about the rise in drug overdose deaths in Appalachia - something One Ohio Now tracked for the first time this year.

"Data shows that we must invest in our future as a state to ensure that these numbers decrease and families and communities are given resources to be successful," she said.

Lawmaker Looks To Crack Down On Theft In Office

Public officials who get caught with their hands in the cookie jar would soon face steeper penalties under recently introduced legislation.

The proposal (SB 268) sponsored by Sen. Steve Wilson (R-Maineville) would establish first- and second-degree felony offenses for theft in office.



Sen. Wilson

Under current law, theft in office of any amount is limited to a third-degree felony that carries a maximum sentence of three years in prison.

The proposal would change the law to mirror existing penalties for theft. A theft in office of between \$150,000 and \$750,000 would result in a second-degree felony charge that carries a maximum sentence of up to eight years in prison.

Sen. Wilson said the legislation came about after conversations with State Auditor Dave Yost.

"We have a different set of standards for theft when it is someone in office, and in my estimation it shouldn't be," he said in an interview.

A theft of more than \$750,000 would result in a first-degree felony charge, making the offender eligible for a maximum prison sentence of 11 years.

In addition, the measure would allow courts to include the cost of a forensic audit in a restitution order when the victim is a public entity.

Rep. Derek Merrin (R-Maumee) has introduced legislation (HB 391) to include the cost of accounting done to determine the extent of an economic loss for restitution purposes. It was recently amended to limit the amount of restitution to be granted for accounting or auditing costs to be reasonable and not exceed the value of the property stolen or damaged.

Sen. Wilson said he would be open to limiting the auditing costs that can be recouped, but wants to ensure that the public is made whole.

"I am open to that but my main concern is that the public not pay and the person who is audited and found guilty has to pay the costs," he said.

Sen. Wilson believes the measure will be well received in the legislature.

"I think it's so logical it will pass unanimously," he said.

Rep. Robert Cupp (R-Lima) is expected to introduce companion legislation in the lower chamber.

The proposal would also bar those convicted of theft in office from serving in a position of public trust.

"Theft in office is a severe crime that warrants an equally severe punishment," Auditor Yost said in a statement.

Opioid Prescriptions Fall For Fifth Straight Year, Pharmacy Board Reports

Doctors in Ohio prescribed fewer opioids in 2017, continuing an ongoing trend, according to data released Monday by the State Board of Pharmacy.

It was the fifth year in a row the number of opioid prescriptions reported to the state's Ohio Automated Rx Reporting System fell.

There were 568 million opioid doses dispensed to Ohio patients in 2017, the report found, down from 631 million in 2016 and 28.4% from an all-time high of 793 million in 2012.

There were 9.3 million total prescriptions dispensed, down from 10.1 million in 2016 and down from a high of 12.6 million in 2012.

"Ohio has one of the most comprehensive and aggressive approaches in the country to tackling the opioid epidemic," Pharmacy Board Executive Director Steven W. Schierholt said in a statement. "Through improvements to OARRS, new prescribing rules and guidelines, shuttering pill mills and aggressive regulatory action against unscrupulous prescribers, the state is making considerable progress in reducing the supply of prescription opioids and other controlled substances that can be abused or diverted."

The OARRS system saw more than 88 million patient reports requested, along with an 88% decrease in the number of people engaged on doctor shopping, the board reported.

"It is widely accepted that prescription opioid abuse often progresses to the use of heroin and other illicit drugs. That is why Ohio's efforts to reduce exposure to prescription opioids are essential to combatting this public health crisis," said Tracy Plouck, director of the Ohio Department of Mental Health and Addiction Services.

The report also found a decrease in the number of prescribers and patients receiving opioid prescriptions. The patient total dropped to just below 2 million, after topping 3 million in 2012. The number of prescribers also fell to just over 55,100, from a high of nearly 66,650 in 2012.

The number of benzodiazepines dispensed to patients also fell, dropping to 233 million solid doses from 254 million in 2016 and 297 million in 2012.

The report also tracked the number of opioid doses prescribed for acute pain, a recent point of emphasis for the state, which has limited the supply doctors can prescribe.

The number of doses for acute pain fell to just under 17 million in 2017, from a high of 31.2 million in 2012. The average prescription also fell from 8.37 days to 7.1 days.

County-level data is also available from the Board of Pharmacy.

The Ohio State Medical Association said doctors have been working to reduce the number of opioid painkillers given to patients.

"Ohio physicians for this entire decade have dedicated themselves to being part of the solution to the opioid epidemic which has gripped our state and we're seeing the positive effects of that commitment," OSMA spokesman Reggie Fields said in a statement. "Through better pain management treatment efforts and clearer state rules and guidelines, physicians are better equipped to make appropriate decisions when it is necessary to prescribe an opioid."

The OSMA pointed to its Smart Rx program, designed to educate prescribers about the safe use of opioids.

"Still, more work needs to be done to reduce the number of opioids dispensed and Ohio physicians remain committed to providing high-quality medical care that is safe and in the best interest of patients," he said.

DeWine Sues Monsanto, Crew SC Operator/Investor And MLS

Attorney General Mike DeWine on Monday announced the filing of two lawsuits - one against a multinational agrochemical company and another designed to halt the possible move of the Columbus Crew.

Filed in Hamilton County Common Pleas Court, Mr. DeWine accuses Monsanto of producing and selling polychlorinated biphenyls from 1929 to 1977 despite knowing the risk the chemical compound posed to humans.

"Ohioans deserve to enjoy their natural resources without contamination from these toxic chemicals, and we believe Monsanto should be held responsible for the damage it caused," the gubernatorial candidate said in a statement. "Our goal in taking this action is to protect Ohio, its citizens, and its natural resources."

The company did not respond to a request for comment on the lawsuit by publication time.

PCBs were used in paints, inks, caulks, sealants, lubricants, electrical equipment and carbonless copy paper, according to the lawsuit.

The chemical compound builds up in living things and contaminates the food chain. In humans, PCBs are associated with cancer, skin and eye disorders, reduced birth weight and liver damage.

The contamination has also been found in fish, soil, plants and the air, the lawsuit alleged.

Despite learning of the toxicity of the chemical in the 1930, the company continued to use the product, according to the lawsuit, which alleges Monsanto was negligent and created a public nuisance through its manufacture, distribution and sale of PCBs.

The lawsuit seeks compensation and damages to investigate and remove PCBs from the state's natural resources.

Crew Lawsuit: Mr. DeWine also filed a lawsuit against Precourt Sports Ventures and Major League Soccer to stave off the soccer club's move to Austin.

The lawsuit is based on the "the Art Modell law," which states that an Ohio professional sports team that uses a "tax-supported facility" and receives financial assistance from the state or a political subdivision cannot relocate without an agreement with the political subdivision. It also must give the political subdivision or any group of individuals who reside in the area an opportunity to buy the team.

Among the allegations in the lawsuit is that the franchise accepted \$5 million in state funds for improvements to parking facilities, the land on which its home stadium sits is exempt from property taxes and the land is leased at below-market rate.

"Loyal Crew fans in Columbus have invested their time and loyalty in this team, and they have allowed the Crew SC to capitalize from financial incentives paid for by their tax dollars. I am left with no other choice than to file this suit to ensure our laws are followed," Mr. DeWine said.

The franchise did not return a call seeking comment by publication time.

AG DeWine was joined in the lawsuit by the city of Columbus.

"Just as importantly, the team plays in a taxpayer-supported facility, and Precourt Sports Ventures and Major League Soccer have accepted financial assistance from the state of Ohio and the City of Columbus. State law provides us with this protection," Mayor Andrew Ginther said.

The lawsuit, filed in Franklin County Common Pleas Court, was the brainchild of Rep. Mike Duffey (R-Worthington). (See Gongwer Ohio Report, December 6, 2017)

"I am very pleased that our state's top law enforcement officer is vigorously enforcing longstanding Ohio law," he said in a statement. "The Crew SC is our team. Our town. Neither the MLS or Precourt Sports Ventures can operate above Ohio law."

Planned Updates To Give Farmers New Tool In Curbing Phosphorus Runoff

Upcoming improvements to a key tool could provide farmers with more real-time, actionable data on phosphorus runoff coming from their farms.

Called the Ohio Phosphorus Risk Index, the resource is facilitated by the U.S. Department of Agriculture and is soon slated for a host of upgrades that farmers and environmental groups in Ohio say will provide one more asset toward curbing phosphorous runoff.

"The idea is you'll put in real actual data and so you will get really specific information then on how to make use of that data," Ohio Farm Bureau spokesman Joe Cornely said in an interview. "And that's crucial because every farm is different - the soil type, the management practices, the type of nutrients."

The tool is aimed at assisting farmers in gauging their risk for phosphorus runoff. That runoff can degrade surface water quality and contributed to harmful algal blooms.

"Providing farmers with tools to be more efficient and environmentally conscious will help their businesses and their watershed," said Peter Bucher, water resources director for the Ohio Environmental Council. "Further identifying what works best at reducing nutrient runoff will allow more farmers to implement the appropriate practices for their property."

The new index is years in the making and is thanks to a project led by Elizabeth Dayton, a researcher in Ohio State University's College of Food, Agricultural and Environmental Sciences. The project was funded through a \$1 million USDA Conservation Innovation Grant and \$1 million in matching donations from Ohio farmer groups.

"The index provides a long-term, average estimate of field-scale phosphorus loss based on farmer specific inputs," Ms. Dayton said. "It gives farmers the ability to compare crop management scenarios and evaluate changes in phosphorus runoff, allowing them to prioritize time and resources when making management decisions."

The tool also helps put Ohio's goal to reduce phosphorus levels in Lake Erie by 40% by 2025 within reach, Ms. Dayton said. (See Gongwer Ohio Report, February 13, 2017)

"The index quantifies how voluntary changes in agricultural practices contribute to achieving target phosphorus runoff reduction goals," she added. "If you multiply that by the millions of crop acres in Ohio, the 40% reduction target appears achievable."

Mr. Cornely said solving the issue of phosphorus levels will "take a whole toolbox."

"And this is one more tool to go in that box," he said. "So when you look at this as it's employed in conjunction with other tools - some that exist, some still being in development - this is one good piece of that arsenal we need to fix the problem."

After harmful algal bloom activity in 2017 tied the third worst season on record, the United States Environmental Protection Agency is moving to reconsider whether Lake

Erie's western basin should be classified as impaired. (See Gongwer Ohio Report, January 22, 2018)

The Ohio Environmental Protection Agency has touted record spending on water quality projects in 2017, although advocates said more resources are needed. (See Gongwer Ohio Report, December 27, 2017)

House District 83: Former Nurse, Business Leader Face Off In GOP Primary

Republican contenders for the 83rd House District seat each say they can bring a unique perspective to the General Assembly thanks to their respective expertise in the medical and business fields.

Cheryl Buckland, a member of the Ohio Republican Party's State Central and Executive Committee, and Jon Cross, CEO of the Hardin County Chamber and Business Alliance, are vying to succeed Rep. Robert Sprague (R-Findlay), who is running for state treasurer.

Ms. Buckland, 63, was appointed to the ORP's leadership committee in 2013 and has been elected twice since then. A self-described "non-traditional candidate," she's spent four decades working at skilled nursing facilities, teaching nursing students and operating her own extended care facility.

"We have not had a nurse in the General Assembly since 2010," Ms. Buckland said. "With all due respect, we have a lot of people making healthcare decisions without a healthcare background.... I feel I can be a voice for every healthcare discipline."

Mr. Cross, 38, has a background in commercial real estate. He's held the top job at the Hardin County chamber since 2014 and before that spent several stints dabbling in politics in Kansas, California and Texas. In addition to some northeast Ohio campaigns, he also spent a two-year span as an advance man for then-California Gov. Arnold Schwarzenegger.

It's his current role, however, that he says gives him an up close look at Ohio's competitiveness with other states and places him on the front lines of drawing and keeping businesses in the Buckeye State.

"Every day as an economic development director, I'm responsible for helping to attract new businesses to our community and our region and helping existing companies with their current demands," Mr. Cross said. "So I think I bring a unique perspective to understanding what it takes to attract a business to Ohio or keep a business open and successful in Ohio."

When it comes to the forthcoming race for House speaker shaping up between Rep. Ryan Smith (R-Bidwell) and Rep. Larry Householder (R-Glenford), both candidates declined to publicly weigh in at this point.

"Right now that's my focus: the primary," Ms. Buckland said. "I know both the gentlemen and I'm happy to make a declaration of support when that's necessary."

And although he said he's met with both speaker candidates, Mr. Cross echoed that sentiment. "My philosophy has been I have to win my race first," he said.

But there are plenty of other areas in which the candidates remain at odds. Mr. Cross in particular has questioned whether his opponent shares true conservative principles.

"I'm a proud Republican who supports our president," Mr. Cross said. "I'm a strong pro-life advocate. I will do anything I can to help save and protect human life. I don't believe my opponent is."

Ms. Buckland denied any claim that she doesn't support life. Still, she said her medical background has given her the ability to emotionally detach from the issue.

"As a health professional I've been trained to put my personal feelings aside and look at what is in the best interest of the patient," Ms. Buckland said. "When we look at issues that create such an emotional response in people what I can do is come to the table and get pragmatic answers. I support life, I respect death but I'm also very pragmatic and an objective thinker."

Although she supports life in healthcare and abortion-related matters, she also questioned whether politicians have inserted themselves too far into the patient-doctor relationship.

She lists her priorities if elected as advocating for farmers, steering health policy and supporting efforts to curb the opioid epidemic - an issue she saw firsthand through the addiction of her grandson. She described herself as an "out-of-the-box thinker" who can bring a new perspective to the drug fight.

"I know what I know and what I know I know very well but I'm not an expert in everything," Ms. Buckland said. "I would like to be a voice when we look at our entitlement programs - not unlike the drug crisis - and say are we spending the right dollars in the right places?"

She and her husband sold their extended care facility in 2008, but she said the experience running a business will give her valuable insight to carry into the Statehouse. She said her world travel would also be an asset - including stays in Africa, El Salvador, Russia as well as time spent delivering Polio vaccines in Portugal.

Mr. Cross said his desire to tackle issues from the business perspective easily ties into other pressing challenges facing the state, including workforce development, educational attainment, opioid addiction and adequately funding local communities.

"My largest overarching campaign platform is to make Ohio and the 83rd District safer, stronger and open for business," he said. "How do we get better and how do we

compete and how do we make sure policies are not driving people, business, education out of the state?"

His experience across the country, he said, showed him a new perspective on where Ohio stands in business friendliness compared to other states. He wants to be a voice for businesses large and small and is a strong defender of the 2nd Amendment, he said.

"We want to make sure rural America, rural Ohio, where you have large corporations to family farms, that perspective is brought into the conversation and policy decisions," Mr. Cross said.

Ms. Buckland and her husband, Larry, have seven stepchildren, 15 grandchildren and 15 great-grandchildren. Among her talents, she lists flamenco and tap dancing.

Mr. Cross, when he's not eating pizza and burgers on the campaign trail, enjoys spending time with his wife, Christina, and playing sports with his two sons, ages 3 and 7.

The winner of the Republican nomination will likely face Democrat Ashley Philipp of McComb who is running unopposed in the primary.

Subscribers Note: This story is part of a series focusing on key primary races for Ohio legislative seats. See Gongwer's Election Page for more information on 2018 contests, including our Key Races.

Rover, OEPA Clash Over Landslides, Detected Chemical Traces

The Ohio Environmental Protection Agency and Rover Pipeline builders continue to lock horns - this time engaging in a contentious back-and-forth over several land slips posing "serious threat to environmental resources."

The OEPA is also requesting new tests after the presence of a manufactured chemical, tetrachloroethene, was found in some drilling returns in Stark County.

The two issues are the latest battle grounds in the ongoing dispute between the two entities - which is simultaneously playing out in an ongoing court case in Stark County. (See Gongwer Ohio Report, February 5, 2018)

The landslip issue came to the forefront last month when Rover Pipeline LLC requested the Federal Energy Regulatory Commission approve temporary workspace for it to repair 28 landslips in Ohio and West Virginia.

But the OEPA, in a subsequent missive to FERC said the company's online filing was the first notice the agency received of the situation and blasted the company for failing to adequately notify the state.

"Ohio EPA is concerned that Rover and FERC did not immediately bring to our attention what Rover now describes as 'a serious threat to sensitive environmental resources,'" OEPA wrote. "Instead of trying to work around Ohio, we again call on Rover to be forthright and provide us with information so we can ensure the environment and citizens are protected."

Rover, meanwhile, argues the state is attempting to besmirch the company in order to gain more leverage in Ohio's ongoing lawsuit. And it accuses state regulators of not fully reading the company's filings in its "haste to cast aspersions."

"Ohio EPA's letter is the latest in a string of baseless claims regarding Rover that attempt to denigrate Rover to advance its own litigation position," Rover's response reads. "Notwithstanding that Ohio EPA does not have jurisdiction in this matter, Rover, on a voluntary basis, has cooperated with Ohio EPA regarding all of its inquiries irrespective of jurisdiction, including on potential impacts from Rover's construction activities."

The OEPA has accused the company of claiming the state has no role in protecting its own environment - an idea the agency called "absurd."

The agency wrote that it "absolutely" expects "to be informed of these troubling threats" and involved in "permitting of any potential impacts to streams and wetlands."

"Moreover, where impacts have occurred, Rover needs to clearly gain our approval of actions to minimize impacts and repair the damage they have done," OEPA added.

The ongoing tiff over those land slips is just one of the conflicts the parties are engaged in. Another dispute arising in recent week centers on the presence of tetrachloroethene or PCE in some drilling fluid returns along the Tuscarawas River.

PCE is a liquid chemical that in high levels is thought to headaches, dizziness, unconsciousness and other effects and it is considered by the government as a potential carcinogen, according to the Ohio Department of Health.

The chemical levels detected in Rover returns registered below the U.S. Environmental Protection Agency's regional screening risk level for direct contact, according to the OEPA, but levels clocked in above the screening threshold of soil leaching to groundwater.

As a result, OEPA asked federal regulators to force Rover to conduct additional sampling along with a separate sampling of drilling fluid source water in an effort to pinpoint the PCE's point of origin.

"These additional samples should be taken immediately and the results submitted to our attention for further evaluation," OEPA wrote.

Rover, in turn, argues that PCE is a "prominent contaminant in the environment" and that Ohio has reported multiple instances of detections in the environment in circumstances not affiliated with the project. The company characterized the levels were "minor and non-hazardous."

"Ohio EPA has documented impacts of PCE contamination in the waters of the state and engaged in several initiatives to achieve attainment," Rover said. "Accordingly, Ohio EPA's new-found concerns are as spurious as they are disingenuous."

New Member Profile: Rep. McClain Follows In Father's Footsteps

Rep. McClain has worked in business and currently serves as director of finance and customer service for Doc Investments LLC, an online precious metals retailer. The metals retailer was designed to emphasize a low-cost retail model.

"I'm pretty experienced with the changing of what the business market looks like with online retail and some of the opportunities that go along with that," he said.

As state representative, he hopes to focus on policies that will help build small businesses.

Rep. McClain said another important focus for him is on policies that help families. Rep. McClain and his wife have been married for more than 10 years and have three children, ages 2, 4 and 8.

"I'm about Ohio families," he said. "I value the family structure greatly and what that does in setting kids up, and Ohio up, our communities up for greatness."

Promoting families can help communities deal with issues and help each other, he said.

"I want to be an advocate for families taking care of each other, being good stewards of our children and being able to foster environments where people have the resources they need to find the help that they need in their own communities and foster a culture of people helping people," he said.

Rep. McClain said he spends a lot of his time outside of work with his children and family as well as remodeling his house.

He holds a bachelor's degree from Bluffton University and a Master of Business Administration from the University of Findlay.

At Bluffton, Rep. McClain was on the baseball team, playing several positions including shortstop, outfield and pitcher. One summer he traveled Europe with Athletes in Action, a ministry of Campus Crusade for Christ. The team played clubs in France, Germany and the Czech Republic, while also doing ministry activities with children and at camps.

"It was almost a barnstorming tour to spread baseball in Europe," he said.

Although he's familiar with the work of the House after seeing his father's experience, Rep. McClain said he hopes to prove himself and find ways to contribute, he said.

"The hat's on my head now and I'm moving forward to do everything I can to be responsive," he said.

Politics Notebook: Buckeye Institute Highlights Capital Budget 'Pork'; Taylor Picks Up Endorsement; Schiavoni Releases New Ad; Balderson Touts War Chest

The Buckeye Institute on Monday unveiled its Top 10 Worst Capital Budget Requests of 2018.

All told, the projects highlighted by the Buckeye Institute total more than \$18 million, according to the report.

Among the projects singled out is \$4 million for a Major League Soccer stadium in Cincinnati, \$2.5 million to expand the Cleveland Museum of Natural History and \$5 million for the COSI Connection Corridor.

"If these, and other pork projects in the budget, were funded using local or private dollars, as they should be, Ohio could have at least \$85 million more that it could spend on pressing state priorities, save, or better yet, return to taxpayers," Greg R. Lawson, research fellow at Institute, said in a statement.

Mr. Lawson also lamented the lack of funding for strengthening the state's physical and democratic infrastructure.

"Policymakers should do more to heed our call to focus the capital budget on strengthening Ohio's physical and democratic infrastructure and move away from projects of predominately local interest," he said. "Simply put, it is hard to see how it benefits someone in Youngstown for Cincinnati to get a soccer stadium or how people in Cleveland benefit from renovations to COSI."

Taylor Endorsement: Lt. Gov. Mary Taylor on Monday picked up an endorsement in her gubernatorial bid in the form of U.S. Sen. Steve Daines (R-Mont.).

In announcing his endorsement, Mr. Daines said he has known Ms. Taylor's running mate, Nathan Estruth, for many years.

"Lt. Governor Mary Taylor is a conservative who has and will continue to challenge the status quo establishment in Ohio. It is important to elect leaders in states across the country - and especially in the swing state of Ohio - who will fight for a bold conservative agenda alongside the people's representatives in Washington," he said in a statement.

"We need more private sector experience and principled conservatives to tame the overreach of government at the federal and state levels, and the Mary Taylor/Nathan Estruth ticket are the only ones in either party who bring that for the people of Ohio."

Added Ms. Taylor in a statement: "Senator Daines' support today and over the next 68 days adds to our growing momentum as conservatives across Ohio and the country rally around my campaign as the true conservative in this race."

New Ad: Sen. Joe Schiavoni (D-Boardman) is out with a new ad in which he highlights his desire to create opportunities for future generations.

The 30-second spot, "For Them," features Sen. Schiavoni's family, including his two children.

"As a parent, everything you do is for them. The simple lessons, the big decisions, you want them to succeed," he says in the ad. "But you worry - what opportunities will be there for them?"

Balderson Warchest: The congressional campaign of Sen. Troy Balderson on Monday announced that it has raised \$300,000 in the eight weeks since the Zanesville Republican officially entered the race.

"This campaign has had non-stop momentum since day one, and I could not be more grateful to the many contributors of this effort," he said in a statement. "So many people from my Senate District and throughout Central Ohio have asked to be a part of our campaign because they know that my conservative record makes me the best candidate to help fix a broken Washington."

Supplemental Agency Calendar

Thursday, March 15

Criminal Sentencing Commission, 31st Fl., 77 S. High St., Columbus, 10 a.m.

Supplemental Event Planner

Tuesday, March 6

Sen. Rob McColley (R-Napoleon) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for McColley)

Wednesday, March 7

Ohioans to Stop Execution news conference on clemency hearing, Ladies Gallery, Statehouse, Columbus, 10 a.m.

Monday, March 12

Sen. Steve Wilson (R-Maineville) fundraiser, Queen City Club, 331 E. Fourth Street, Cincinnati, 5 p.m., (Host: \$5,000 | Sponsor: \$2,500 | Supporter: \$1,000 | Attendee: \$500 to Steve Wilson for Ohio)

Tuesday, March 13

Rep. Anne Gonzales (R-Westerville) fundraiser, The Keep, 50 W. Broad Street, Columbus, 4:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for Anne Gonzales)

Sen. Stephanie Kunze (R-Hilliard) & Rep. Mike Duffey (R-Worthington) fundraiser, Pins Mechanical Co., 6558 Riverside Drive, Dublin, 5:30 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$250 to Citizens for Stephanie Kunze and/or Citizens for Duffey)

Wednesday, March 14

Sen. Bill Coley (R-Liberty Twp.) fundraiser, Pub Mahone, 31 E. Gay Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Friends of Bill Coley)

Tuesday, March 20

Sen. Bob Hackett (R-London) & Sen. Lou Terhar (R-Cincinnati) fundraiser, Athletic Club of Columbus - Gold, 136 E. Broad Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Hackett for Ohio and/or Friends of Lou Terhar)

Wednesday, March 21

Sen. President Larry Obhof (R-Medina) fundraiser, Athletic Club of Columbus - Crystal, 136 E. Broad Street, Columbus, 7:30 a.m., (Sponsor: \$2,500 | Host: \$1,000 | Guest: \$500 to Citizens for Obhof)

Tuesday, April 10

Sen. Gayle Manning (R-N. Ridgeville) & Sen. Stephanie Kunze (R-Hilliard) fundraiser, Buckeye Bourbon House, 36 E. Gay Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Committee to Elect Gayle Manning and/or Citizens for Stephanie Kunze)

Wednesday, April 11

Sen. Bob Peterson (R-Sabina) & Sen. Steve Wilson (R-Maineville) fundraiser, Athletic Club of Columbus - Lounge, 136 E. Broad Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Peterson for Good Government and/or Steve Wilson for Ohio)

Tuesday, April 17

Sen. Scott Oelslager (R-N. Canton) & Sen. Frank Hoagland (R-Adena) fundraiser, Athletic Club of Columbus - 136 E. Broad Street, Columbus, 5 p.m., (Checks to Oelslager for Ohio Committee and/or Hoagland for Ohio)

Wednesday, April 18

Ohio University State Government Alumni Luncheon, Athletic Club, 136 E. Broad St., Columbus, 11:30 a.m., (Social: 11:30 am; Luncheon: 12 pm)

Sen. Jay Hottinger (R-Newark) & Sen. Matt Dolan (R-Chagrin Falls) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for Hottinger and/or Friends of Matt Dolan)

Tuesday, April 24

Rep. Andy Brenner (R-Powell) fundraiser, Athletic Club of Columbus - Parlor A/B, 136 E. Broad Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Brenner for Ohio)
Sen. Matt Huffman (R-Lima) & Sen. John Eklund (R-Chardon) fundraiser, Pins, 141 N. 4th Street, Columbus, 5 p.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Matt Huffman for Ohio and/or Friends of John Eklund)

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Day Planner

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Daily Activity Planner for Tuesday, March 6

Legislative Committees

Senate Public Utilities (Committee Record) (Chr. Beagle, B., 466-6247), Finance Hearing Rm., 9:30 a.m.

- Confirmation hearing on governor's appointments of M. Beth Trombold, Public Utilities Commission of Ohio and Gregory Murphy, Power Siting Board

HB 478 **WIRELESS SERVICES** (Smith, R., LaTourette, S.) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way. (1st Hearing-Sponsor)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 10 a.m.

HB 529 **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (3rd Hearing-All testimony-Possible vote)

HB 508 **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (4th Hearing-All testimony-Possible vote)

HB 378 **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (7th Hearing-All testimony-Possible amendments, substitute & vote)

House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.

SB 226 **TAX HOLIDAY** (Bacon, K.) To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (2nd Hearing-Proponent)

House Agriculture & Rural Development (Committee Record) (Chr. Hill, B., 644-6014), Rm. 121, 1 p.m.

HB 501 **VETERINARY TITLES** (LaTourette, S., Huffman, S.) To change professional title of "registered veterinary technician" to "registered veterinary nurse." (1st Hearing-Sponsor)

HR 298 **ALFALFA PRODUCTS** (Sprague, R., Hill, B.) To recognize the existence of two alfalfa products in light of the recent action of the Ingredient Definition Committee of the Association of American Feed Control Officials. (1st Hearing-Sponsor)

Senate Finance (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 2:30 p.m.

SB 266 **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make

reappropriations for the biennium ending June 30, 2020. (3rd Hearing-Opponent)

SB 225 **BROADBAND GRANTS** (Schiavoni, J., Eklund, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (1st Hearing-Sponsor)

SB 246 **STUDENT REMOVAL** (Lehner, P., Manning, G.) To enact the "SAFE Act" to revise the procedures for emergency removal of a student, to prohibit certain suspensions and expulsions of students in grades pre- kindergarten through three, to require each public school to implement a positive behavior intervention and supports framework in accordance with state standards, and to make an appropriation. (1st Hearing-Sponsor)

HB 329 **PYRAMID SCHEMES** (Pelanda, D.) To modify the law governing pyramid promotional schemes. (3rd Hearing-Opponent)

House Session (Committee Record), Senate Session (Committee Record) (Chr. Rosenberger, C., 466-3357, Chr. Obhof, L., 466-4900), Fritsche Theater, Otterbein University, 30 S. Grove St., Westerville, 7 p.m.

- Joint convention for the Governor's State of the State address

Agency Calendar

Small Business Advisory Council, Women's Small Business Accelerator's ThinkSpace, 24 Westerview Dr., Westerville, 10 a.m.

Public Facilities Commission, 35th Fl., 30 E. Broad St., Columbus, 3:30 p.m.

Event Planner

OhioLINK, Ohio Department of Higher Education discussion on textbook affordability and open educational resources, Otterbein University, Towers Hall, Westerville, 10 a.m.

Sen. Rob McColley (R-Napoleon) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Sponsor: \$1,000 | Host: \$500 | Guest: \$350 to Citizens for McColley)

Rep. Scott Ryan (R-Granville Township) fundraiser, Oliver's, 26 N. High St., Columbus, 11:30 a.m., (Sponsor: \$1,000; Host: \$500; Chair \$350 to Citizens for Scott Ryan)

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Volume #87, Report #43 -- Monday, March 5, 2018

Children Services Rule To Get Second Look After Concerns Raised At JCARR

The Department of Job and Family Services will refile a proposed rule dealing with child abuse and neglect investigations after agencies said it would lead to more cases and higher costs.

The Public Children Services Association of Ohio told members of the Joint Committee on Agency Rule Review Monday that the proposed rules would prevent agencies from making "collateral contacts" before deciding to accept a case. That means they would not be able to check certain details, such as whether a parent was in drug treatment, before opening an investigation.

ODJFS argued the county agencies have long been advised in state guidance not to do so. Contacting other people about a potential child abuse or neglect case before contacting the parent can jeopardize the parent's privacy.

The proposed rule changes were designed in part to incorporate revisions to the federal Comprehensive Addiction and Recovery Act, which require more mandatory reporting in cases where children are born addicted to drugs.

The department included the provision preventing collateral contacts before cases to reinforce provisions that have been in guidance for more than a decade, Carla Carpenter, deputy director for the Office of Families and Children at ODJFS, told JCARR.

"The change to the rule merely echoes the guidance that we have been providing since 2005," she said.

Mary Wachtel, director of public policy for the PCSAO, said the rules would make it harder for agencies to screen potential cases by preventing them from following up for more information on referrals before opening an official investigation. It could lead to agencies opening investigations for children who aren't being neglected or abused, opening cases that would require home visits and other costs, she said.

"We are talking about a judicious, somewhat limited use of pre-screening collateral contacts," she said.

Other states allow for collateral contacts before cases are screened in, she said. Those states often have limits, such as that the only people to be contacted would be mandatory reporters of abuse or neglect, such as medical providers.

Ms. Wachtel suggested the department convene a stakeholder group to work out a solution.

"There is a fix here," she said. "We respectfully request that the rules be withdrawn to give time for a substantive discussion and consideration."

The department consulted with stakeholders before drafting the rule, Ms. Carpenter said.

Agencies are given 24 hours to gather information from internal sources, such as if the parent has had previous contact with the child welfare system, and to work back with the person referring the case, she said.

In many cases, particularly those involving drug abuse under the CARA provisions, the person making the referral is a medical professional, Ms. Carpenter said. In those cases, the provider can obtain a release of medical records from the parent to demonstrate that the parent has a drug treatment care plan, for example.

Lawmakers pressed the department on what would happen if the person making the referral was not a medical provider.

"How can you get a written release when you're not allowed to make a collateral contact?" Sen. Michael Skindell (D-Lakewood) asked.

The agencies would be able to look at the information they have and to ask follow-up to the person referring the case, Ms. Carpenter said. The rules follow the same procedure as guidance in place now.

"They essentially would be making that decision the same way they do today," she said.

JCARR Chair Sen. Joe Uecker (R-Loveland) asked how many counties are not complying with the guidelines.

Ms. Carpenter said the department wasn't aware of deviation from the guidance until recently.

Rep. Mike Duffey (R-Worthington) said the agency indicated the rule change would have no fiscal effect for the state or for counties, but it could increase the number of cases agencies take on.

The department said the change only codified what was expected to be standard practice, and increases weren't anticipated, Ms. Carpenter said.

"We have a duty as children services agencies to respond to reports that require our attention," she said. "We don't have control over what comes through our front door."

JCARR members caucused for about 45 minutes on the issue, after which ODJFS officials said they would refile the rule pending further discussions with stakeholders.

Report Outlines Ohio's Rankings Ahead Of Kasich's Address

While the state comes in above national averages for the number of residents with health insurance, students enrolled in Pre-K, and structurally sound bridges, it is lagging behind in a number of other areas, a new report shows.

One Ohio Now, a coalition of more than 100 health and human service organizations, labor unions and advocacy groups, released its third annual State of Ohio report on Monday. It shows Ohio's rankings in 16 areas encompassing health, education, the economy and equality.

State Director Gavin DeVore Leonard said it's important that Ohioans have a full picture of how the state is doing before the governor delivers his annual State of the State address on Tuesday.

"Unfortunately, what typically happens with the State of the State is sort of cherry picking the things that make you sound the best, the things you feel like you have the most likelihood of succeeding on in the future, and then often times sort of glazing over the things that are really at the foundation of what's happening, particularly in a place like Ohio, where there is just no getting around it, we are struggling. We're having a hard time keeping up," he said during a Statehouse press event.

Gov. John Kasich and those close to him haven't divulged what his speech will entail, but he told reporters last week that it will be "odd" and "different" than in past years. Being his last SOTS address, he's expected to recap his accomplishments while in office and focus on how he's helped to change state operations during his tenure. (See Gongwer Ohio Report, March 2, 2018)

Responding to the One Ohio Now report, his spokesman, Jon Keeling, touted the impacts the governor's leadership has had on the state over the last seven years.

"Jobs are up. Wages are growing. More Ohioans have health coverage. Support for K-12 education is at record levels. Poverty is the lowest in nearly a decade. We're taking better care of the vulnerable and those who live in the shadows. And Ohioans are wearing our colors with pride in ways this state hasn't seen in a long time," he said.

"The governor has set a new standard for leadership here in Ohio, and if those values are continued the stage is set for even more progress long after he's gone."

In addition to showing where the state ranks nationally, the report also compares last year's stats to this year's. As infant mortality, overdose deaths and poverty got worse in Ohio in 2017, the state has improved in the areas of college tuition, home foreclosures and hunger.

Despite improvements in some categories, it shouldn't be overlooked that Ohio still ranks at the bottom of states, Mr. DeVore Leonard said.

Higher investments in underperforming areas, such as K-12 and programs combatting hunger could save the state billions of dollars in the long term because Ohioans would be better off, he said.

Especially in K-12, where spending on an inflationary basis has been stagnant since 2002, it's "hard to be a recipe for success," he said.

"We believe that this can be solved and that's actually what the data shows when you look at what's happening around the country," Mr. DeVore Leonard said. "We're nervous that what's happening is that the legislature and the governor are essentially ignoring what the data tells us about how to move our state. They're ignoring what the data tells us about how we should actually get fit and get strong here in Ohio."

To find the funding to make needed investments, he suggested the state repeal a controversial small business tax cut and increase income tax rates for the state's wealthiest.

Although Gov. Kasich has been a champion of eliminating personal income taxes, Mr. DeVore Leonard said a recent softening of his policy stances gives advocates hope that he could be swayed by the data in the report.

"Over the past several weeks and the last few years we've seen that the governor has shown a willingness to reconsider when the facts are just too clear to overcome," he said, citing the governor's support of Medicaid expansion and gun policy proposals.

Mr. DeVore Leonard was joined at the rollout of the report by Trina Payne, executive director of the Ross County Community Action Commission, small business owner Dan Heck, and Vincent Johns Jr. with Faith in Public Life.

Ms. Payne said she's most concerned about the rise in drug overdose deaths in Appalachia - something One Ohio Now tracked for the first time this year.

"Data shows that we must invest in our future as a state to ensure that these numbers decrease and families and communities are given resources to be successful," she said.

Lawmaker Looks To Crack Down On Theft In Office

Public officials who get caught with their hands in the cookie jar would soon face steeper penalties under recently introduced legislation.

The proposal (SB 268) sponsored by Sen. Steve Wilson (R-Maineville) would establish first- and second-degree felony offenses for theft in office.



Sen. Wilson

Under current law, theft in office of any amount is limited to a third-degree felony that carries a maximum sentence of three years in prison.

The proposal would change the law to mirror existing penalties for theft. A theft in office of between \$150,000 and \$750,000 would result in a second-degree felony charge that carries a maximum sentence of up to eight years in prison.

Sen. Wilson said the legislation came about after conversations with State Auditor Dave Yost.

"We have a different set of standards for theft when it is someone in office, and in my estimation it shouldn't be," he said in an interview.

A theft of more than \$750,000 would result in a first-degree felony charge, making the offender eligible for a maximum prison sentence of 11 years.

In addition, the measure would allow courts to include the cost of a forensic audit in a restitution order when the victim is a public entity.

Rep. Derek Merrin (R-Maumee) has introduced legislation (HB 391) to include the cost of accounting done to determine the extent of an economic loss for restitution purposes. It was recently amended to limit the amount of restitution to be granted for accounting or auditing costs to be reasonable and not exceed the value of the property stolen or damaged.

Sen. Wilson said he would be open to limiting the auditing costs that can be recouped, but wants to ensure that the public is made whole.

"I am open to that but my main concern is that the public not pay and the person who is audited and found guilty has to pay the costs," he said.

Sen. Wilson believes the measure will be well received in the legislature.

"I think it's so logical it will pass unanimously," he said.

Rep. Robert Cupp (R-Lima) is expected to introduce companion legislation in the lower chamber.

The proposal would also bar those convicted of theft in office from serving in a position of public trust.

"Theft in office is a severe crime that warrants an equally severe punishment," Auditor Yost said in a statement.

Opioid Prescriptions Fall For Fifth Straight Year, Pharmacy Board Reports

Doctors in Ohio prescribed fewer opioids in 2017, continuing an ongoing trend, according to data released Monday by the State Board of Pharmacy.

It was the fifth year in a row the number of opioid prescriptions reported to the state's Ohio Automated Rx Reporting System fell.

There were 568 million opioid doses dispensed to Ohio patients in 2017, the report found, down from 631 million in 2016 and 28.4% from an all-time high of 793 million in 2012.

There were 9.3 million total prescriptions dispensed, down from 10.1 million in 2016 and down from a high of 12.6 million in 2012.

"Ohio has one of the most comprehensive and aggressive approaches in the country to tackling the opioid epidemic," Pharmacy Board Executive Director Steven W. Schierholt said in a statement. "Through improvements to OARRS, new prescribing rules and guidelines, shuttering pill mills and aggressive regulatory action against unscrupulous prescribers, the state is making considerable progress in reducing the supply of prescription opioids and other controlled substances that can be abused or diverted."

The OARRS system saw more than 88 million patient reports requested, along with an 88% decrease in the number of people engaged on doctor shopping, the board reported.

"It is widely accepted that prescription opioid abuse often progresses to the use of heroin and other illicit drugs. That is why Ohio's efforts to reduce exposure to prescription opioids are essential to combatting this public health crisis," said Tracy Plouck, director of the Ohio Department of Mental Health and Addiction Services.

The report also found a decrease in the number of prescribers and patients receiving opioid prescriptions. The patient total dropped to just below 2 million, after topping 3 million in 2012. The number of prescribers also fell to just over 55,100, from a high of nearly 66,650 in 2012.

The number of benzodiazepines dispensed to patients also fell, dropping to 233 million solid doses from 254 million in 2016 and 297 million in 2012.

The report also tracked the number of opioid doses prescribed for acute pain, a recent point of emphasis for the state, which has limited the supply doctors can prescribe.